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TRANSCRIPT OF TESTIMONY

TAKEN BY THE

California

Bribery Investigating Committee.

PRESENTED TO THE ASSEMBLY, MARCH 4, 1874.

SACRAMENTO:
G. H. SPRINGER, STATE PRINTER.
1874.

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Election frauds U.S.: California

California Bribery Investigating Committee

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TRANSCRIPT OF TESTIMONY

TAKEN BY

THE BRIBERY INVESTIGATING COMMITTEE.

ASSEMBLY CHAMBER, TWENTIETH SESSION,
SACRAMENTO, January 15th, 1874.

WHEREAS, A portion of the public press have made serious charges against the honor and honesty of undesignated members of the Assembly in reference to the late Senatorial election; therefore, be it

Resolved, That a committee of five be appointed by the Speaker, who shall have power to send for persons and papers, and report the result of the statements made to this House at an early date.

Adopted.

(Signed:) BRUMSEY,
Assistant Clerk.

In pursuance with the above resolution, the Speaker appointed as committee, Messrs. Summers, Chairman; Norton, Freeman, Coggins, and Simpers, to which Mr. Amerman was added by resolution of the House.

(Signed:) BRUMSEY.

On February fourth, eighteen hundred and seventy-four, Mr. Summers offered the following resolution, which was referred to the Committee on Rules and Employés, and finally adopted:

Resolved, That the Senatorial Investigating Committee be and are hereby authorized to employ a shorthand reporter for such a length of time as they shall deem necessary, said reporter not to receive more than eight dollars per day, including all services rendered in taking and transcribing, etc.

Under the above resolution, H. A. Jones was appointed as reporter of the committee.

Acting under the authority of the first resolution, the Chairman appointed a meeting for Wednesday following.

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Wednesday, at seven P. M., the committee met.

At seven o'clock and five minutes P. M. the committee met in the Sergeant-at-Arms room—Present, a full committee.

Mr. Amerman offered the following resolution:

Resolved, That the proceedings of this investigation be had with closed doors, no person being admitted during the sessions excepting the accuser, his counsel, and the witness on the stand; further, that the reporter and all the members of the committee be required to keep still all the proceedings of each session until the investigation is finally concluded.

Mr. Norton said he was opposed to the theory of the resolution.

Mr. Coggins stated that on Friday last some four or five members of the committee had met and decided to have the investigation open to the reporters and to the public.

Mr. Amerman—I will withdraw the resolution and modify it by offering this amendment: That all the witnesses that are subpœnaed in this case be required to keep on the outside until they are called.

Mr. Simpson—I would second that.

Mr. Norton—I would second that to prevent collusion.

Mr. Coggins said that one of the reporters present had been subpœnaed, and he hoped an exception would be made in his case and he be permitted to remain.

Mr. Amerman offered the following written resolution:

Resolved, That all witnesses subpœnaed in the matter of this investigation be excluded from the room during the examination of any witness on the stand.

Mr. Coggins—Until after they have given their testimony.

Mr. Amerman—Yes; until after their evidence has been given.

Mr. Summers—Well, gentlemen, does that resolution meet with a second?

Mr. Simpson—I second it.

The resolution was adopted, and the Sergeant-at-Arms directed all witnesses present, excepting reporters, to withdraw. The names of witnesses were read.

TESTIMONY OF VINCENT RYAN.

VINCENT RYAN called, sworn, and examined:

Mr. Amerman—Mr. Chairman, I understand that the party who makes the accusation in this case is accompanied here to-night by his counsel. I would, therefore, move that the counsel of the accuser be requested to conduct this examination on the part of the prosecution.

Mr. Norton seconded the motion.

Mr. Coggins—I have no objections, Mr. President, but I think it would be only fair that the counsel of the accused, as soon as we catch him, should have the same privilege.

Mr. Amerman—I amend that motion by also including as a portion of it that Mr. Norton, on behalf of the committee, be requested to act as

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counsel on behalf of the committee, which, of course, would be on the part of the defense.

Mr. Coggins—I suppose, of course, it is understood that each member of the committee will exercise the privilege of asking any question that he desires.

Mr. Norton—And if the accused, during the progress of the investigation of the charges, should center on some one man, I suppose that he would be entitled to appear by counsel here, the same as the prosecution.

The motion of Mr. Amerman was carried.

N. Greene Curtis appeared as the counsel for M. D. Boruck, and stated that he did not appear to prosecute the case, and was not disposed to take advantage of any one, but merely desired to protect the rights of his client.

Mr. Amerman read the following article from the *Chronicle*, of the 16th of January, 1874:

Mr. Amerman—Now, I would suggest, Mr. Chairman, as preliminary to entering upon this investigation, that as the charges have been made by Mr. Boruck through his paper, and it is understood that he occupies that position here—as a sort of a prosecuting witness—the position a prosecuting witness does in a criminal prosecution; and Mr. Boruck would be a proper person to be first examined. I merely make that suggestion so we can understand what the charges are, and then proceed with the investigation.

Mr. Norton—I would like to hear, Mr. Chairman, read before the committee, the charges made by him, Boruck. They have passed out of my mind, if I ever noticed them. I suppose they are in the paper published by him, *The Spirit of the Times*. Have you a copy of that paper here, Mr. Boruck?

Mr. Boruck—I have not a copy of the paper with me, but I can tell it, Mr. Norton, almost word for word. It was this: that I knew of an Assemblyman who had been offered two thousand dollars for his vote; that the offer was made in gold notes; and that the Assemblyman had spurned it and refused it; and that I could prove it. That is the sum and substance of that article.

Mr. Norton—I suppose the only object in examining Mr. Ryan first, Mr. Amerman and Mr. Chairman, was to allow him to be here, being a reporter; and I suppose parties here would not seek to exclude him if he or Mr. Boruck was examined first. I think it would be proper to examine Mr. Boruck first.

Mr. Freeman—Mr. Chairman, I move that Mr. Boruck be brought on the stand, and examined as to what he knows of the gentleman who was offered two thousand dollars.

The motion was seconded and adopted.

TESTIMONY OF MARCUS D. BORUCK.

MARCUS D. BORUCK, called, sworn, and examined:

On the nineteenth of December, at three o'clock in the afternoon, in this city, I was on my way to Wells, Fargo & Co.'s office, prior to leaving for San Francisco. I also had a telegraphic dispatch to send below

informing my family that I was on my way down. Coming out of the Orleans Hotel, I met the Hon. J. C. Carter, of Yuba, member of the Assembly, who called me to him (the gentlemen of the press will tell me if I go too fast for them; I want to study their convenience in giving the testimony), and he stated that he had something important to impart to me. I asked him what it was. He said the friends of Booth were endeavoring to purchase votes. I asked him how he knew it. He hesitated somewhat in speaking. I told him he had gone so far, he might as well tell the remainder. He said he had been offered two thousand dollars, I think he said in gold notes, to leave Shafter and go for Booth. I hurried him somewhat in his conversation, as the hour for my leaving was approaching. I asked him what he did under the circumstances. He said that he had indignantly refused to entertain the proposition, but finally, for the purpose of consultation with his friends, he had agreed to meet the parties again at six o'clock that evening. I left him then to consult with his friends, and I proceeded to the city, and learned subsequently that there was no further consultation between them. That is all sir, unless the gentlemen desire to ask me some questions.

Mr. Norton—How long was this before the Senatorial contest was terminated?

Answer—This was on the nineteenth of December. I think the Senatorial contest was closed the next day, Mr. Norton; if I am not mistaken it was, was it not?

Question—On the twentieth? I think it was.

A.—Yes, sir; the day before, it was.

Q.—Where did you say you saw him, Mr. Boruck?

A.—Coming out of the Orleans, I met him; directly in front of the Orleans.

Q.—Was he coming out of the Orleans?

A.—No, sir; he was coming from J street; was coming in that direction.

Q.—Had you had any previous conversations with him about this subject?

A.—No, sir; not a word.

Q.—Had you met him during the Senatorial fight to consult with him?

A.—No, sir; not at all.

Q.—Did he tell you who had offered him two thousand dollars in gold notes to change his vote from Shafter to Booth?

A.—He did, sir.

Q.—Who was it?

A.—I made him a pledge that I would permit him, if necessary, to divulge the name if it ever came to that point, and I would like, if the committee will permit me, to keep my word until he himself is sworn, and if he refuses to give the name I will give the name myself.

Mr. Curtis—I ask the counsel to withdraw the question.

Mr. Norton—How long did this conversation last, Mr. Boruck?

A.—Well, a very few minutes. I was hurrying all the time, as it was nearly the time and I had to go back into the Orleans and get my satchel, and see that it was taken down to the cars.

Q.—What you say you heard subsequently, you learned from hearsay—from what parties told you since your return from San Francisco?

A.—Yes, sir; but I learned from Mr. Carter, himself, that nothing further had took place between them. He didn't see them again.

Q.—Did he tell you when the offer was made?

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A.—No, sir, I don't think he did. I wouldn't be positive as to that point. I think not, however.

Q.—Will you give again his language, as near as you can—I have forgotten—that is, what Mr. Carter said to you upon approaching you, as to the efforts—that the friends of Booth——

A.—Were endeavoring to purchase votes.

Q.—Was that the language, or substance of it?

A.—That was about the language.

Q.—First prefacing the remark with saying to you that he had something to divulge to you?

A.—Yes, sir.

Q.—Did he seem excited?

A.—Yes, sir, he seemed excited, very much worried, and very indignant.

Q.—Expressed himself as being very indignant at having been selected?

A.—Yes, sir; and that calls to my recollection a remark he made. He said he had plenty without selling himself in that way.

Q.—You were there with him but a short time?

A.—Oh, yes, sir; of course it was hurried—just between three o'clock and the time I had to go to Wells, Fargo & Co.'s, which I did, and sent a message.

Q.—You say that he didn't tell you where the offer had been made?

A.—No, sir; I think not.

Q.—Who else was present, if anybody?

A.—No one, sir.

Q.—Was it within the hearing of any one?

A.—No, sir; no one except the post, sir, that we leaned against.

Q.—Did he allude to Governor Booth as being connected with the affair at all?

A.—Simply made that remark—that the friends of Booth were endeavoring to purchase votes.

Q.—Had you learned anything subsequently to that time bearing upon this question, Mr. Boruck, except wherein you have stated.

A.—No, sir—as to this particular point?

Q.—As to this particular point?

A.—No, sir; I have not.

Q.—Have you learned anything, subsequent to that time, that would throw any light upon this question?

A.—No, sir; I have not pursued it any further—to make any further investigation into it at all.

Q.—We simply desire to get before the committee, Mr. Boruck, all the facts; and I know you cheerfully would give them. That is, the sole object of the investigation is to get at the truth?

A.—Yes, sir.

Mr. Coggins—Did he say, Mr. Boruck, where this interview had taken place?

A.—No, sir.

Q.—Did he say where the interview in the evening was to take place?

A.—No, sir; he did not.

Mr. Freeman—Mr. Chairman, I move that Mr. Edgerton be now put on the stand, to state what he knows in this case.

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TESTIMONY OF HENRY EDGERTON.

HENRY EDGERTON called, sworn, and examined:

Mr. Summers—Mr. Edgerton, this is an investigation of charges of bribery made against the honor and honesty of certain undesignated members of the House of Assembly, in the late Senatorial contest.

Answer—I didn't understand you, Mr. Chairman.

Question—This is a charge of bribery against undesignated members of the Assembly, in regard to the late Senatorial election. Will you please state to the committee what you know in regard to the matter.

A.—I know nothing about it, sir, except what I have seen in the newspapers. On my return from San Francisco, some weeks since, I think within a few days after the election of Judge Hagar—after the whole thing was over—I was coming up on the Vallejo boat, and Senator Spencer placed in my hands an issue of the *Examiner* containing an extract from the *Spirit of the Times*, a paper edited by Mr. Boruck. I read that article, and I have seen various allusions to that article since in the various newspapers. That is all I know about it, unless some person may have called my attention to it and talked about it since. I presume that has occurred, but I don't now recollect definitely of any individual who called my attention to it. I believe, sir, that is all I know about it.

Mr. Curtis—Did you read the *Spirit of the Times* of the twentieth?

A.—I don't recollect the date, Judge Curtis.

Q.—You read the extracts as published in the *Examiner?*

A.—The *Examiner* was placed in my hands by Senator Spencer on the Vallejo boat. I am confident it was the *Examiner*, and that it contained an extract purporting to have been taken from the *Spirit of the Times.*

Q.—Do you recollect whether it was an extract or the article entire, taken from the *Spirit of the Times?*

A.—That I don't recollect. My impression is, perhaps it was the whole article.

Q.—Have you read that, Mr. Edgerton? Did it refresh your mind in regard to any similar charges you had heard made by Mr. Boruck?

A.—That is all I have heard in regard to the matter.

Q.—Then you have heard no persons speak of charges of bribery and corruption made in regard to the Senatorial election?

A.—Since that time?

Q.—Yes, sir.

A.—No, sir. I say I may have talked with persons about it, but I don't recollect of any particular person.

Q.—Have you ever come into the possession of any facts in regard to that matter from persons who professed to know?

A.—I don't know that I ever have.

Q.—You know nothing of any facts?

A.—No facts at all. I never heard any person impute anything of the kind to any person that I remember of. He said that a member, or some member, of the Assembly had been approached. I think Mr. Boruck made that declaration in his issue on the twentieth, and that he stood prepared to prove it; that some man had made a declaration of that sort.

Q.—Did you ever hear a man make a declaration of that sort?

A.—No, sir.

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Q.—Are you acquainted with Mr. Carter?

A.—I don't recall him by name. I know several of the members; but I don't know him by name.

Q.—He represents, I think, the County of Yuba?

A.—I don't know him by name.

Q.—Have you heard any person say, Mr. Edgerton, that they were in the possession of any facts in reference to any charges of bribery?

A.—I never did.

Q.—You know nothing about it.

A.—I know nothing about it at all.

TESTIMONY OF VINCENT RYAN—(RECALLED.)

VINCENT RYAN, recalled:

Mr. Summers—Mr. Ryan, will you please state to the committee what you know in regard to this charge that has been made by Mr. Boruck?

Answer—All I know about it, Mr. Summers, is stated in substance in the paper which you have just read. I, of myself, know nothing at all about it. Hearing Mr. Boruck had made such a charge, I read his paper and went to him and asked him for the name of the party he referred to, which he did not do. I thought it was my duty, as a live correspondent, to find it out, and I tried to do it and didn't do it; and I heard a rumor that Mr. Ferguson, of Fresno, was the gentleman referred to, and I went to Mr. Ferguson and asked him, and he said nobody had ever offered him anything. And I next went to Mr. Dixon, of Sonoma, and he said nobody had offered him any money; and I then went to Mr. Northup, of Nevada. I was not acquainted with him, but he was pointed out to me, though, when he was in the barroom of the Golden Eagle hotel. I went up to him and I told him what I had heard, and that I was inquiring into the matter; and I told him who I was, that I was the correspondent of the *Chronicle*, and that I didn't wish to obtain any information without telling him who I was; and told him that it had been said that he said that money had been offered to him by the friends of Booth. He said that he didn't say so. We talked about the matter and about Mr. Boruck's charges, and at length he finally said this: "That I can tell you this: I was offered money for my vote; I was offered money to change my vote from Farley to Booth." I asked him if any friends of Booth had offered him the money—any Booth man, I think was the term I used. He said no. Well, I asked him who did offer it to him. He said he would not tell me, and nobody could make him tell; but it was offered to him by a Democrat, I understood. I could not recall his exact words, but the impression left on my mind was that the money was offered him by a Democrat who desired to defeat the Democratic caucus, and I put the sum at two thousand dollars. I did that much of the article on the authority of Dixon, of Sonoma, with whom I had afterwards spoken. He said that Mr. Northup had spoken to him and fixed the sum at three thousand dollars. He didn't fix the sum in the conversation with me. That is all I know about it.

Mr. Curtis—Mr. Northup stated, then, that he had been offered money to change his vote from Farley to Booth?

A.—Yes, sir.

Q.—Do you remember, Mr. Ryan, what that was?

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A.—No, sir.

Q.—Or, did he give you the time the offer was made?

A.—No, sir; he didn't, I think.

Q.—And he refused to tell you the name of the disinterested Democrat who ran away from the Democratic party, who he was?

A.—Yes, sir.

Q.—Then you don't know whether he was a friend of Governor Booth's or not?

A.—Except what he said himself, that he was a Democrat.

Q.—What did he say his object was—to defeat the Democratic party?

A.—That was the impression left on me, that it was by a Democrat who desired to defeat the caucus of the Democrats.

Q.—Of course, you don't know his name?

A.—No, sir.

Q.—Did you search after information further; did you ask any one else in regard to this matter of the charge of Mr. Boruck? You have stated several parties.

A.—I talked with several newspaper correspondents; I didn't make any direct inquiries of anybody, though, for I had no expectation of getting any information; I went to Mr. Ferguson, and he sent me to Mr. Dixon, and he sent me to Mr. Northup; that was the way I came to go to Mr. Northup.

Q.—Mr. Ferguson said he knew nothing about it?

A.—He said he was satisfied that he was not the man referred to by Mr. Boruck, and that nobody had ever offered him any money.

Mr. Norton—How long was this after the twentieth that you went to see Mr. Northup at the Golden Eagle Hotel?

A.—I don't know. I could tell you the date by looking at the paper, when I printed this matter.

Q.—It appears that Mr. Boruck's article appeared on the twentieth; how long had his article been in print?

A.—It was two weeks afterwards.

Q.—No one had said anything to you about it? You went to get information, I suppose, to publish in the paper?

A.—That is all.

Q.—You and Mr. Boruck are on friendly terms; your relations are friendly?

A.—Yes, sir.

Q.—You had a conversation with him about it after you read the article in the paper of Mr. Boruck?

A.—Yes, sir.

Q.—Were his statements to you about the matter the same in substance as he published them in the paper?

A.—He made no statements to me about it. I merely asked him to give me the name of this gentleman, and he said he would not give it to anybody unless an investigation was had, and then he was prepared to give it, and prove all he said.

Q.—So that if Mr. Northup had been offered a sum—how much he didn't tell you, but Mr. Dixon, of Sonoma, did—of three thousand dollars—if he had been offered that, it must have been some three or four weeks before that?

A.—It must have been.

Mr. Coggins—The date of this paper, Mr. Norton, is January sixteenth.

Mr. Ryan—I could not fix the date.

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Mr. Norton—I am now calling your attention back to the time the Senatorial struggle closed, so the offer must have been made before it was closed, and Mr. Northup had held the secret in his breast for three or four weeks. That was true, so far as you knew?

A.—Yes, sir.

Q.—You had to go to him and press him to the wall before he would divulge even that, didn't you, by your conversation?

A.—Well, I wouldn't like to say that exactly. I was questioning him on the point whether any Booth man had made the offer. He understood that I had been a Booth man, and I gave him to understand that I didn't believe the story, and I questioned him as to whether any Booth man had offered him money. He said no, but about the time I was going to leave he said: "I will tell you this, that I was offered money to change my vote."

Q.—But he didn't answer your interrogatory as to whether any Booth man had offered him money?

A.—Yes, sir; he said no.

Q.—Hesitated some time before he told you what actually did occur?

A.—Well, he thought several minutes. I don't know that he hesitated. He told me the story of his own accord.

Q.—Did he appear indignant about it?

A.—Yes, sir; he professed himself very much surprised—very indignant on account of this offer, because he said the man was an old and particular friend of his, and he was very much astonished and grieved, not only that he should offer him money, but that he should go back on the Democratic party that way.

Q.—Did he explain to you in this conversation why he didn't make this public, as Mr. Boruck had the information he had received?

A.—No, sir; I did not ask him that question. I don't think we referred to that.

Q.—He gave no excuse for retaining it, and, in so far as you know, had imparted it to no one but Mr. Dixon?

A.—I think Mr. Ferguson knew of the same story.

Q.—Did Mr. Ferguson tell you that he did?

A.—No, sir; not directly, but I think he gave me some hint that sent me to Dixon.

Q.—That is the inference you draw from what Mr. Ferguson told you?

A.—Your suggestion reminds me of something I omitted; that I went to Mr. Ferguson, and then to Mr. Dixon, and then Mr. Ferguson came to me and asked me what I had learned from Mr. Dixon; and I am reminded now that Mr. Dixon didn't send me to Mr. Northup first. He asked me what Mr. Dixon told me. I told him that he said nobody had ever offered him any money, unless that it was in the way of a joke; that he had no idea of making any charge of bribery, as he knew nothing about it; and then Mr. Ferguson said: "He didn't tell you all he knew. What did he tell you about Northup?" I said he didn't tell me anything about Northup, and then, on Mr. Ferguson's information, I went back to Mr. Dixon.

Q.—Then you went back to Mr. Dixon or Northup?

A.—Back to Mr. Dixon.

Q.—Did he then tell you what he knew about it? Did Mr. Dixon, at the second interview?

A.—At the second interview; there was only one point now that I am uncertain about—whether I went directly to Northup or Dixon; but at the second interview he did tell me.

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Q.—And what he told you was what Mr. Northup had told him?

A.—Yes, sir.

Q.—No one had offered *him* any?

A.—No, sir; no.

Q.—Who did Mr. Northup tell you had offered him this three thousand dollars?

A.—He refused to tell me.

Q.—But said it was an old friend and Democrat, a man he respected highly.

A.—Yes, sir; a man he thought a great deal of.

Q.—And he felt grieved that he had selected him?

A.—Yes, sir.

Q.—And thrown off on the Democratic party?

A.—Yes, sir.

Q.—Mr. Northup is a Democrat?

A.—I believe he is.

Q.—Well, did you have any conversation with Mr. Northup since this resolution was offered by Mr. Summers to investigate this matter?

A.—Not a word; I am not acquainted with Mr. Northup; I have never had any other conversation with him at all.

Q.—That was the only conversation you have had with him?

A.—Yes, sir.

Q.—Have you now detailed, Mr. Ryan, and named all the conversations you have had, and named all the persons from whom you have gained any information about the subject matter in controversy here?

A.—I think so; I have talked probably fifty times about this to various people, but I do not think I ever obtained any information about it.

Q.—Excepting what you have stated?

A.—Excepting what I have stated; all I recollect I have told you.

Mr. Amerman—Mr. Ryan, I understand that this conversation was with Mr. Northcutt or Northup?

A.—This is Mr. Northup.

Q.—It is not Mr. Norton?

A.—Oh, no, sir.

Mr. Norton—It is the member from Nevada.

Mr. Ryan—I have heard since then, I should say, that I had heard it almost as a matter of common repute; I have heard it from half a dozen.

Q.—It seemed from that time on to have been made public?

A.—I have heard half a dozen people speak of it; I have not taken notice much; I have mentioned it myself; I have not attempted to keep it secret.

On motion of Mr. Norton, Mr. Carter was next called.

TESTIMONY OF J. C. CARTER.

J. C. Carter, called, sworn, and examined:

Mr. Summers—Mr. Carter, you will please state to the committee what you know in regard to the charges made by Mr. Boruck in regard to alleged frauds in the late Senatorial contest, touching the honor or honesty of undesignated members of the Assembly; if anything, and what they are?

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Answer—Well, on the Friday before the Senatorial election, Mr. Brown came to me in the Assembly Chamber, a few moments before eleven o'clock. He asked me if I would not come up to his room a few moments, before the roll was called; he wanted to see me on a matter of business.

Mr. Norton—Proceed.

A.—I told him that I would. He told me that his room was number seventy-two, I think, up stairs. He stepped off a few steps, and came back and asked me to be sure not to forget the number of his room. Well, as soon as I answered to my name, I went up to his room. He was sitting at the table, and another gentleman with him, engaged in writing, and he asked this gentleman to leave the room, as he had some private business with me; there was a boy, also. They got up and went.

Mr. Coggins—In what building did you say?

A.—In room seventy-two, up stairs.

Mr. Freeman—In this building?

A.—Yes, sir.

Mr. Norton—In the Capitol?

A.—Yes, sir.

Q.—I understood you it was Mr. Brown?

Mr. Amerman—Mr. Carter, excuse me a moment. Is this the Mr. Brown, who is Enrolling Clerk or Engrossing Clerk?

A.—Yes, sir; that is the man, sir. After they left he took a couple of chairs and moved them to the back part of the room, and sat down; and he asked me if nothing could induce me to vote for Mr. Booth; and I told him no. He then asked me if there was nothing—if there was no consideration that could be used, that would make me vote for Mr. Booth. I told him no; that I was a Republican, sent here by Republicans, and that I did not consider Mr. Booth in the Republican party; and that I could not go for him. He then said that if I would go for Mr. Booth—he said that he was deeply interested in the election of Mr. Booth, and that most of the members of our delegation were going for him, and that it would suit my people up there very well, and that I should go with them. He was deeply interested in the election of Mr. Booth, and that if I would go for him he would give me two thousand dollars in gold notes. He said that he wanted nothing from me, but my promise that I would go for him. He didn't want me to give no writing, and that he would place this two thousand dollars in gold notes in my hand, and that I should not be asked to vote for Mr. Booth that day. I told him that there was no use in talking to me, that I could not do it, and I got up to leave. He said that he would not take that for a final answer. He asked me where I stopped. I told him that I roomed at the International Hotel. He asked me what time I would be there. I told him that I would be there between five and six o'clock, perhaps. He said he would call and see me. I told him he might do so if he chose, but my answer would be the same.

Mr. Curtis—Did you tell him the number of your room?

A.—I don't know that I mentioned the number of my room. He asked me where I stopped, and I said the International Hotel. I then got up and left, and he followed me out to those stairs leading down here, and extended his hand, shaking hands, and he said, "Mr. Carter, this is on honor; there is nothing to be said about this;" and I said, "No, sir; I shall say nothing about it." Well, I didn't go to my hotel till nine o'clock, so whether he came there or not I don't know; and that is all I know about this Senatorial bribery.

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Q.—Is that all of your narrative; is that all you have to state in narrative form?

A.—That is all I know of. I saw Mr. Spencer, and told him about it the same night; and also told Mr. Boruck about it.

Q.—On what day was this, Mr. Carter?

A.—That was on the Friday previous to the election of United States Senator for the long term.

Q.—The election for the long term was on Saturday, the next day?

A.—Yes, sir.

Q.—It was immediately after roll call that he desired to see you, and you went up?

A.—Yes, sir; he desired me to call to his room immediately after roll call.

Q.—You were acquainted with Mr. Boruck?

A.—Slightly, sir.

Q.—Did you see Mr. Boruck at that day?

A.—I saw him that afternoon; yes, sir; after the Assembly had adjourned.

Q.—After you had the interview with Mr. Brown, you saw Mr. Boruck? Where, Mr. Carter?

A.—At the Orleans Hotel, on the sidewalk.

Q.—Did you state what had occurred between you and Mr. Brown to Mr. Boruck?

A.—Yes, sir.

Q.—About as you have stated it here?

A.—Yes, sir.

Q.—Was there anything said between you and Mr. Boruck, at that time, by which you was led to believe that Mr. Boruck was anxious to know all this, or did you volunteer it?

A.—Volunteered it. Mr. Boruck and myself, I supposed, were engaged in trying to elect a Republican as United States Senator.

Q.—And you stated this circumstance to Mr. Boruck without his solicitation?

A.—Without his solicitation.

Q.—At that time, Mr. Carter, was there anything said about the party who had made that proposition? Did you place Mr. Boruck under any restrictions?

A.—Yes, sir.

Q.—What were they?

A.—That there was no public exposure to be made about this, for I remembered on some occasions where men were concealed in closets before, and I didn't want to be mixed up with it. I would be willing to defeat Mr. Booth, but I didn't want to be mixed up in no such dirty mess.

Q.—You didn't want a wardrobe scene?

A.—No, sir.

Q.—I will ask you if you requested Mr. Boruck not to give the name of the party who made the proposition to you?

A.—No, I don't remember that. I don't know that I asked any pledge from Mr. Boruck, further than this was not to be made public.

Q.—Did Mr. Boruck state to you, at that time, that he would not give the name of the party who had made the proposition to you? He states that he did so state to you. I want to ask you if you remember it; whether you asked him not to say anything about the name of the party who made the proposition to you?

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A.—I don't remember. I don't remember asking Mr. Boruck for any other pledge, than this thing was not to be made public, as I didn't want to be mixed up.

Q.—If he made any such pledge to you, you release him from it, do you, now?

A.—Yes, sir.

Q.—He has declined to give the name, stating that he had made a pledge to you?

A.—I have given the name. It is against my wishes that anything of this kind is done.

Q.—Did you have any conversation after that with him, Mr. Carter—with Mr. Brown?

A.—No, sir. I saw him the next morning. I tried to see him the next morning. I wanted to see him. I looked for him here. I didn't see him that night, and I looked for him here and saw him at my desk in the Assembly chamber, and he was distributing some pamphlets, and I asked him if he had got his man last night. I told him I had not seen him. I asked him if he had came around; that I was not there. He made some unintelligible answer.

Q.—He didn't tell you if he succeeded in getting his man or not?

A.—No, sir. He said something; what it was I could not understand. Since that time I have not spoken to him about that matter, when I meet him occasionally.

Mr. Norton—When did you first form Mr. Brown's acquaintance?

A.—Just previous to the organization of the House here—of the Legislature. I was introduced to him by an acquaintance of mine from Marysville. He represented to me that he could bring some assistance to this acquaintance of mine; that one Senator had told him he could use his name.

Q.—This man Richard Brown, was he a competent (?) fellow?

A.—He was at that time, I thought. I have very little acquaintance with him.

Q.—Well, did he prove himself to be so?

A.—No, sir; I had very little to say to him. I don't know as I spoke a dozen words to him after he was elected as Clerk.

Q.—He came down just at the roll call, or just before?

A.—He was there, standing right between my desk and Mr. Amerman's.

Q.—Appeared cool, as a man that meant business; didn't appear excited?

A.—He was somewhat excited when I refused to take his money, up stairs.

Q.—He was cool when he asked you to go up to his room?

Q.—Yes, sir. I was somewhat surprised that he had any business with me.

Q.—What young man or boy was with him at the time you went into the office up stairs.

A.—There was a boy. I think he is the son of Mr. Eardley. Mr. Eardley was the man. The boy I have seen with him frequently; I don't know who he is.

Q.—Did the boy seem to be employed doing office work?

A.—When I went in, Mr. Brown was sitting right at the table, and I said, what assistant is this you have with you? And he jumped right up and asked the man to leave, and the man left; and the boy was remaining, and he told him to go, and he went out.

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Q.—Did he leave the boy?

A.—He was going out leaving the boy, and he got the boy to leave.

Q.—Got them both to leave?

A.—Yes, sir.

Q.—Now give us his language, as near as you can.

A.—Well, sir, I have, as near as I can, word for word.

Q.—Said he was a friend?

A.—He was deeply interested in the election of Mr. Booth. He didn't say anything about friend, or anything else.

Q.—Did you know what his politics were; what party he belonged to?

A.—I understood he was a Democrat.

Q.—You understood that in the fight he made for Enrolling Clerk against Tod Robinson?

A.—Yes, sir.

Q.—Had you voted for Brown?

A.—I did vote for him, as I told him. He had promised to get assistance for this acquaintance of mine, and if he did that I said I would support him; but when I found he could not bring my friend any assistance, I went to him and told him that I considered myself absolved from my promise; I didn't say that I wouldn't vote for him, but I considered myself free; I did vote for him; I had no choice. He said he thought it was very hard, after his doing all he could for the election of Mr. Campbell. I told him I wouldn't consider myself bound to vote for him, but I had no choice between the two.

Q.—Did you see any money?

A.—Not a cent, sir.

Q.—He didn't talk business to you, then, by showing the gold notes?

A.—He did just as I have told you, and stated that he would place two thousand dollars in gold notes in my hand if I would just say I would vote for Mr. Booth, and I should not be asked to vote for him that day?

Q.—When did he say he would place them in your hand?

A.—I understood it was to be right there; he said he would place two thousand dollars in my hand.

Q.—But you didn't see any money at all?

A.—No, sir.

Q.—He didn't make any offer to get any money out of the Enrolling Clerk's room, or out of his pocket?

A.—No, sir.

Q.—Did you believe what he said to you?

A.—Yes, sir; religiously.

Q.—You did?

A.—I believe that if I had said I would go for Booth, I would have got the two thousand dollars right there.

Q.—You believed that?

A.—I believed it.

Q.—This was the day before the election?

A.—Yes, sir.

Q.—Did you come down from that room and go in there quietly to your seat and ballot for your man with the rest of us?

A.—Yes, sir.

Q.—And not divulge this to any human being on earth while that contest was going on.

A.—Yes, sir; that day.

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Q.—Did you then go to any member of that House or Senate and divulge that fact of this offer of money to you to change your vote?

A.—At that time?

Q.—Did you go to any member until you had gone to Mr. Boruck?

A.—No.

Q.—Mr. Boruck then was the first one that received this intelligence from you?

A.—Yes, sir.

Q.—Why is it, if you religiously believed that he would do as he said he would do by you, and that he was acting in the interest of Governor Booth, why didn't you make it known?

A.—Because I didn't feel like it.

Q.—Why didn't you feel like it?

A.—Because I said I wouldn't do it.

Q.—Your simple promise to a man, under those circumstances, would outweigh your feelings of duty towards the party?

A.—It did.

Q.—It would?

A.—It did, as I tell you.

Q.—When did you promise to him not to divulge it?

A.—In his room at that time—at the head of the stairs.

Q.—Then if you considered that promise binding, why did you divulge it to Mr. Boruck?

A.—I don't know; simply because I considered Mr. Boruck a friend.

Q.—You would divulge it to a man on the outside, but not to a member who was taking stock in the fight?

A.—I did divulge it to Mr. Spencer, sir, the Senator.

Q.—Under the same promise of secrecy?

A.—Yes, sir; I told Mr. Spencer that I was satisfied it was Mr. Booth that was in this arrangement, and I wanted him to hold off to give me an opportunity to see this person again, and see what was going to be done, and if it could be fixed on him, but I had nothing to go on but my unsupported word.

Q.—You felt a little prejudice then against Governor Booth?

A.—Yes, sir; there has been such a howl against Republicans—their being corruptionists, etc.—and nothing else on the other side.

Q.—Is your testimony colored by prejudice?

A.—No, sir; not a bit, as I told you; this is very much against my wishes that anything of this kind has come up.

Q.—I have no doubt of that.

A.—It has been all the way through.

Q.—But how can you reconcile your conduct with that of a friend of the people?

A.—Well, I had nothing to go on except my unsupported word.

Q.—And yet you believed what this man told you?

A.—Yes, sir.

Q.—Did you believe he had the means at his command to give you the two thousand dollars there in that office?

A.—No, I could not think anything about that; he made the offer, and I had no idea of accepting it; and I told him at once I could not do it.

Q.—And yet you know he is an officer of this House, don't you?

A.—Yes, sir.

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Q.—And you have allowed him to remain there in the Enrolling Clerk's office until more than half of this session has been consumed?

A.—He would have been there all the way through, as far as I am concerned.

Q.—You think this man is entitled to hold his position?

A.—No, sir; I have not said so.

Q.—How do you reconcile that with your notions of honor?

A.—Because I didn't want to be mixed up with this affair, and because I had nothing else but my unsupported word, and I dreaded it.

Q.—That outweighed everything else with you? Did he say that Governor Booth had authorized him to make this offer to you?

A.—I don't know that he did.

Q.—Did he say any friend—political friend—of Governor Booth had authorized him to do this thing?

A.—No, sir.

Q.—It seemed to be on his own motion?

A.—I have simply told you precisely what took place.

Q.—Yes, but I have a right to ask you again; I don't ask that again, but I ask this question: He made the promise or offer to you on his own motion?

A.—Yes, sir.

Q.—Not connecting himself with anybody?

A.—No, sir.

Q.—Didn't pretend to do it?

A.—He said, as I have told you, that he was deeply interested in the election of Governor Booth.

Q.—Did he say how?

A.—I didn't ask him.

Q.—Did you infer that he was deeply politically interested in the election of Governor Booth, he being a Democrat?

A.—He told me he was deeply interested in the election of Governor Booth, but how he was I don't know, neither did I care.

Q.—When did you tell Mr. Spencer about it?

A.—That same night.

Q.—Why did you not return to your room if you thought he was acting in good faith with you, and there meet him and got hold of the coin?

A.—I didn't care about seeing him.

Q.—You didn't care about seeing him; didn't you care to find out the facts of the matter?

A.—No, sir; I was willing to drop the matter. I had only my word.

Q.—When you got hold of the matter you could?

A.—How is that?

Q.—In the presence of witnesses?

A.—I have told you I didn't want this thing to be made public.

Q.—You didn't want it known?

A.—No, sir.

Q.—And you asked him the next day you met him if he had found his man?

A.—Yes, sir.

Q.—He gave you no intelligible reply?

A.—No, sir.

Q.—What did he say?

A.—I can't tell you what he said.

Q.—Did he say anything?

A.—He mumbled something.

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Q.—You could not understand?

A.—No, sir.

Q.—Have you ever said anything to him about it since?

A.—Not a word.

Q.—Have you ever told anybody but Mr. Boruck and Mr. Spencer about it?

A.—Yes, sir; I have told Mr. Tom Mooney, and Mr. Rideout, of Marysville.

Q.—Anybody else in this city?

A.—No.

Q.—You told Mr. Spencer, you say, that night?

A.—Yes, sir.

Q.—Asked him to keep it secret?

A.—Yes, sir.

Q.—Asked Mr. Boruck to keep it secret; told Mr. Boruck not to divulge the man's name—Richard Brown?

A.—I don't know that I spoke anything about his name, but I told him that I didn't want a noise made about this. I didn't want no explosion about it. I told him just as this: if he could beat Mr. Booth on this without a public exposure he could, but I didn't want to be mixed up with it.

Q.—You was willing it should be used as an argument against Mr. Booth, if it would work to his defeat?

A.—Yes, sir.

Q.—But you was not willing to use it to secure the best interests of the people of the State?

A.—I thought it would work to the interests of the people of the State if we could keep Mr. Booth from being elected.

Q.—You thought the interests of the people of the State could not be protected by divulging it openly? You could not reach that point as well?

A.—Well, it was just this, as I have told you——

Q.—You were afraid of a second wardrobe scene?

A.—No, sir.

Q.—And didn't want to be caught in a trap?

A.—No, sir.

Q.—Why, then, did you promise secrecy to Brown? You had not gone far enough then to become tainted?

A.—I could not avoid it then. He first spoke to me before he made this proposition of two thousand dollars; he then said, it would be on honor the proposition be then made.

Q.—Of course, it would be on honor with a man of that character—a man trying to buy votes for a Senator?

A.—Yes, sir.

Q.—It was all honorable?

A.—Yes, sir.

Q.—You looked on it in that light?

A.—Well, I looked on it just this way, that if you believe the newspapers, it is a common occurrence.

Q.—So it didn't shock you?

A.—No, sir; the newspapers had educated me up to that point, that votes are bought at every Senatorial election.

Q.—And your nervous feelings didn't feel a shock?

A.—No, sir.

Q.—Nor your conscience?

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A.—No, sir.

Mr. Curtis—You declined peremptorily his proposition?

A.—Yes, sir.

Q.—And had nothing to do with him?

A.—Yes, sir.

Q.—And you say that you believe if you had agreed to his proposition, that you religiously believe he had the money and would have paid you?

A.—Yes, sir; I believe he had the money.

Mr. Curtis—The Judge asked you if, up to that time, you were not tainted? I ask you if, up to this time, you are untainted?

A.—Yes, sir.

Mr. Norton—I didn't wish to imply that the member is tainted. I look upon him as honorable as any member in the House.

Mr. Carter—I think so, too.

Mr. Amerman—Mr. Carter, did you understand that when Mr. Brown made you this offer, that Mr. Brown was acting with the Democratic or with the Independent party?

A.—I knew very little about him. I had asked. All that I knew of him was from this gentleman, Mr. Campbell, that was a candidate for Sergeant-at-Arms of the Senate; and I understood from him that he was a Democrat, and that was all I knew about him. Whether he was working for the Independents or Democrats, I don't know.

Mr. Coggins—Did Mr. Brown say whether this money was his own, or whether it had been furnished to him?

A.—He didn't say. He said, just as I have stated, that he would place two thousand dollars in my hand, in gold notes, if I would vote for Mr. Booth, and that I should not be called on to vote for Mr. Booth that day.

Mr. Curtis—Mr. Carter, you could not infer that Mr. Brown was acting with the Democratic party, when he stated to you that he was deeply interested in the election of Governor Booth?

A.—I didn't suppose——

Mr. Norton—Did you not know that he had been and was the Clerk elected by the Democratic party? He was their nominee?

A.—No, I don't know that he was their nominee. I know there was a number of candidates in nomination, but I didn't know who they were. I only knew that there was no possibility of electing a Republican at that election.

TESTIMONY OF J. F. SWIFT.

J. F. SWIFT called, sworn, and examined:

Mr. Summers—This is a charge made by Mr. Boruck against undesignated members of the Assembly—a charge of bribery in regard to the late Senatorial election. You will please state to the committee what you know in regard to it, and all about it.

Answer—I don't understand you.

Question—I say there is a charge made by Mr. Boruck against undesignated members of the Assembly, of bribery.

A.—I would not know what to say, Mr. Chairman.

Mr. Curtis—Do you know, Mr. Swift, anything, of your own knowledge, in regard to any frauds that have been committed by any person

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or persons, in the late Senatorial elections, any of them, or either of them?

A.—I understand the question.

Q.—Do you know, of your own knowledge, by persons from whom you could get any information?

A.—I don't know anything but what I have read.

Q.—I believe you have heard it talked about and rumored through other quarters than the paper?

A.—Only what I have heard of this affair.

Q.—Do you know of any proposals having been made by any persons, candidates for the position of Senator, or their immediate friends, of any promise of reward, or offer, or any favor bestowed, or to be bestowed upon any person, for his vote?

A.—No, sir; I know nothing of that.

Q.—All that you know is what you have heard as rumors; you know nothing of your own knowledge, or do you know of any person who has given you knowledge?

A.—I think I know the contrary, though, of course, I don't know that; but, so far as I know, the contrary is the fact.

Q.—You mean to say, then, that nothing of that sort has ever happened, has it, in your presence?

A.—No, sir; on the contrary, so far as I know, I have every reason to believe that nothing of the kind has ever happened.

Mr. Norton—Do you say, then, Mr. Swift, that so far as you know it has not. You were upon intimate terms with Governor Booth during this contest?

A.—Yes, sir.

Q.—You were frequently at his place, and in his office here at the Capitol, and is it not a fact that, so far as Governor Booth was concerned, he emphatically stated to you and to me that he would rather be beaten than to compromise himself, or his office, in anywise; has he not, repeatedly, stated that to you, in substance?

A.—Well, I have always so understood it. I was trying to think of any particular statement to that effect.

Mr. Curtis—We disclaim any participation in this portion of the investigation, because Mr. Boruck has never charged Mr. Booth with anything.

Mr. Swift—My understanding of this conflict, and in that, perhaps, I have had as much knowledge as any other one person, has been from the commencement, that no money or promise was to be made, or was made, by anybody to anybody.

Q.—Do you know Richard Brown, of San Francisco, now the Enrolling Clerk of the Assembly?

A.—I partly know him; I never knew him until since his election; I didn't know him at the time of his election; I just know him.

Q.—You say you were familiar with the contest and with the workings. Did you know of Richard Brown working in the interest of Governor Booth?

A.—I never heard of it.

Q.—Did you look upon him during that contest as the friend of Governor Booth in any sense of the term?

A.—Not for a moment. I don't know now, sir, which side he was on; I could not say whether he was for him or against him. If he was for him or against him, I don't know the fact that he was.

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Mr. Curtis—You don't pretend to know, Mr. Swift, those who were for him or against him?

A.—Oh, no, sir, except those that were very prominent. He might have been very prominent against him without my knowing it, but still he might have been very prominent for him without my knowing it.

Q.—He was one of those disinterested friends that didn't come into your circle?

A.—Yes, sir.

Mr. Amerman—Mr. Swift, there is one question I would like to ask here. It was brought out by Mr. Norton. At the time of the contest for Enrolling Clerk (I believe Mr. Brown is the Enrolling Clerk, is he not?) I believe there were but two candidates before the House for that position?

A.—Yes, sir.

Q.—Was Mr. Brown looked upon as a Democratic candidate or as the Independent candidate?

A.—My impression is, Democratic.

Mr. Curtis—Was not Tod Robinson the Democratic candidate?

A.—Yes, sir. I was wrong. I had Tod Robinson in mind when I answered him, because I voted for him.

Q.—You was a Dolly Varden voting for a Democrat?

A.—Yes, sir.

Q.—That was right?

A.—No, I don't know what Mr. Brown's politics are, even now.

Mr. Amerman—I didn't attach any particular importance to it, except fixing Mr. Brown's political status, so far as possible.

TESTIMONY OF HENRY EDGERTON—(RECALLED.)

HENRY EDGERTON, recalled:

Mr. Norton—Mr. Edgerton, you have also taken an active part as the friend of Governor Booth in the late Senatorial contest, did you not?

Answer—Yes, sir.

Question—As one of his warm political friends during that contest, did you or did you not at any time understand that Richard Brown was working in the contest?

A.—I never heard of him. I never heard his name mentioned in connection with the contest until I came into this room.

Q.—Didn't meet him as one of the friends of Governor Booth—as one of the parties who had taken sides and were making a square stand-up fight? You didn't meet him and know he was?

A.—I never saw him at Governor Booth's quarters, or at the quarters of anybody connected with the fight.

Q.—And this is the first time?

A.—The first time I ever heard his name mentioned in connection with the Senatorial election.

Q.—I believe you have already stated in your examination, when first placed on the stand, that during the contest you knew of no promise of office or any inducement held out by Governor Booth, or any one of his friends, to sway voters?

A.—Nothing of the kind.

Q.—How is it on the contrary?

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A.—I know that money was refused even for hack hire.

Q.—You were in this contest from its inception, were you not?

A.—For a year, sir. I think I know all about it.

Mr. Freeman—I move that Richard Brown be summoned as a witness.

The motion was seconded by Messrs. Coggins and Simpers, and carried.

TESTIMONY OF S. SPENCER.

S. Spencer, called, sworn, and examined:

Mr. Summers.—Mr. Spencer, this is a charge made by Mr. Boruck against the honor and honesty of undesignated members of the Assembly, in regard to an alleged bribery in the late Senatorial contest. Do you know anything about it? If you do, please state to the committee.

Answer.—I know nothing about it personally. I know nothing about it, I say, except what Mr. Carter has told me, and what I have seen in the papers.

Mr. Curtis.—I will ask you, Mr. Spencer, if you know anything about any improper conduct on the part of any person, whether a member of the House or Senate, in regard to the Senatorial contest, or any one else?

A.—No, sir; I don't.

Q.—Have you heard it talked about?

A.—Yes, sir; I have seen it spoken of in the papers, but I have heard no more about it, I believe, than anybody else has.

Q.—Has any member of either body, of either the Senate or the House, stated to you that any proposition of that sort had been made to him?

A.—Yes, sir; Mr. Carter did.

Q.—What did he state to you?

A.—He stated that he had been offered two thousand dollars.

Q.—Do you know what time that was, Senator?

A.—That was previous to the final vote for Booth.

Q.—A day or two before?

A.—Yes, sir.

Q.—Did he state to you who made him the proposition?

A.—No; I am not certain; yes, he did.

Q.—Did he enjoin secrecy upon you as to the name?

A.—Yes, sir.

Q.—He has already released you. Do you remember the name?

A.—I think it is Smith.

Q.—How would it be if it were Brown?

A.—It is possible.

Q.—Did he mention anything by which you could designate him? Did he state whether he was a member or an attaché?

A.—He was an attaché. I don't remember now in what capacity.

Q.—Now, what is the best of your recollection, Senator, in regard to the name?

A.—Well, as I said before, I don't recollect the name exactly.

Q.—Have you heard anything of that sort from any other person or persons, Senator?

A.—No, sir; I have not, sir.

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Mr. Norton—You say, Senator, that you know nothing about it, of your own knowledge?

A.—Nothing whatever.

Q.—No one approached you; you were in the contest?

A.—No, sir.

Mr. Amerman—Senator Spencer, you are well acquainted with Mr. Carter, the member from Yuba?

A.—Well, I can't say that I have been much acquainted with him until since he came here. I know he had a good reputation.

Q.—From your own knowledge, and from his reputation, would you believe him to be a man of truth and veracity, whose statements might be implicity believed?

A.—Yes, sir.

Mr. Coggins—I make the motion that Mr. Anthony be called in. He is present, and is very desirous.

Mr. Anthony was called, but did not respond.

TESTIMONY OF E. B. MOTT, JR.

E. B. MOTT, JR., called, sworn, and examined:

Mr. Summers—This is a charge made against the honor and honesty of certain undesignated members of the House, in regard to alleged bribery in the late Senatorial election. If you know anything about it, the committee would like to hear what you know in regard to the matter.

Answer—I believe I know nothing whatever.

Mr. Curtis—During the Senatorial contest, Mr. Mott, where were you?

A.—In Sacramento.

Q.—In what business were you engaged at that time, Mr. Mott?

A.—In the stove and metal business.

Q.—Down on J street?

A.—Yes, sir.

Q.—Was you around much, Mr. Mott, among parties interested, or of their friends, in the Senatorial contest.

A.—Somewhat.

Q.—Do you know the club room on that corner of J and Second streets?

A.—Yes, sir.

Q.—Did you ever hear the matter talked over—of this Senatorial question—the fitness of the candidates?

A.—I have.

Q.—Do you know, Mr. Mott, of your own knowledge, of any improper means of any sort having been used by any person engaged in that contest?

A.—I do not.

Q.—You know nothing, of your own knowledge?

A.—Nothing whatever, of my own knowledge.

Q.—Have you heard it talked of frequently, Mr. Mott, this question of the Senatorial contest, discussed there?

A.—I think I have, sir.

Q.—Were the partisans, or friends, of all the candidates, in the habit of visiting that room, or only those of one particular candidate?

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A.—The friends of all the candidates.

Q.—The club room, then, was not in the interest of any particular candidate?

A.—No, sir; it was not. It was open to all invited by a member. It was an open club room; open to all that chose to visit the club room; the friends of any member.

Q.—Do you know of any wagers, or bets, in regard to the Senatorial election?

A.—Yes, sir.

Q.—Do you know the conditions of the bets?

A.—Yes, sir.

Q.—Would you have any objection to giving the names of those who bet?

A.—No, sir.

Q.—If you know the conditions, please state to the committee what they were.

A.—That if one particular candidate won, to wine the crowd. The money was put up with the understanding that it was to be so used.

Q.—By whom were the bets made?

A.—The money was bet between a gentleman living in San Francisco, a prominent politician, and a Grass Valley man. Each one wagered the amount of money they had in their respective pockets, which happened to be forty-two dollars, which was drank up in wine on the Sunday succeeding the Senatorial election.

Q.—Was that the only bet you know of?

A.—Yes, sir; the only bet, with the exception of a bet I made with a gentleman that the election would not take place till January, by the which I lost that hat.

Q.—It took place in December?

A.—Yes, sir.

Q.—You could not control the result?

A.—No, sir; or I would have won the hat.

Q.—Do you know of any person or persons, Mr. Mott, who offered, or pretended, or spoke about moneys being advanced, or spoke about any office, or promise of office?

A.—Mr. Curtis, I assert, most solemnly, I do not.

Q.—I don't ask you with reference to any particular candidate, but any candidate?

A.—No, sir; I do not.

Mr. Amerman—Mr. Mott, are you acquainted with a man by the name of Richard Brown?

A.—I am not, Mr. Amerman, I don't know him by sight.

TESTIMONY OF D. J. STAPLES.

D. J. Staples called, sworn, and examined:

Mr. Summers—Mr. Staples, there is a charge, made by Mr. Boruck through his paper, against the honor and honesty of undesignated members of the Assembly in regard to the alleged bribery in the late Senatorial election; now, if you know anything in regard to that matter, you will please state to the committee.

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Answer—I don't know anything in regard to that matter at all.

Mr. Norton—Where do you reside, Mr. Staples?

A.—San Francisco.

Q.—Was you here during the Senatorial contest?

A.—Yes, sir; on that day.

Q.—What time did you arrive in Sacramento during the contest, and how long did you remain?

A.—What time in the day did I arrive here?

Q.—No, sir; what time in the month?

A.—Well, really, I don't remember. It was the week previous to the adjournment—previous to the holidays. I came here on the morning train, and went away the next morning.

Q.—What business called you to Sacramento?

A.—Well, I came on the invitation of a man that was interested, who was an applicant for a place, and he thought if I would come up and help him with my influence, he might be successful.

Q.—An applicant for a place in the Legislature?

A.—No, sir; for the vacancy of a Judgeship in San Francisco.

Q.—In the interest of Judge Sharpstein?

A.—No, sir; I wanted Mr. John B. Harmon appointed.

Q.—It was in his interest you came here?

A.—No, sir. ——— telegraphed me. I told him if he thought I could help the matter along any to telegraph to me, and I would come up.

Q.—How long did you remain?

A.—From twelve o'clock until the next morning at seven.

Q.—Did you take any interest in the Senatorial contest?

A.—Yes, sir; I always take an interest in all public elections.

Q.—Did you, during the contest, or have you since, learned of any inducements being offered to any members of either House, to gain their vote for any candidate?

A.—Inducements of argument or money?

Q.—Money?

A.—No, sir.

Q.—Promise of place?

A.—No, sir.

Q.—Position?

A.—None, whatever.

Q.—No inducement of that kind.

A.—No, sir.

Q.—What kind of arguments do you refer to—of the persuasive kind?

A.—Yes, sir.

Q.—Are you acquainted with Senator Finney?

A.—Yes, sir.

Q.—Were you aware that he changed his vote during the contest?

A.—I was, sir.

Q.—Do you know what induced him to change?

A.—Well, of course I can't tell all the motives that induced him. I know I visited him that afternoon, and urged him very strongly to do so; giving him what I thought was a good reason, that evidently the people wanted Governor Booth as Senator; and the conversation I held with him was in the presence of T. G. Phelps and another gentleman, and I urged it very strongly upon him, with the best arguments I could make.

Q.—Where did you meet him?

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A.—At his rooms, across the way.

Q.—How long did you remain with him?

A.—Well, I was with him perhaps an hour and a half the first time.

Q.—How much of the time during your stay here did you spend upon the other business you had, to wit: the appointment of a Judge?

A.—Well, I met Governor Booth and I spent perhaps half an hour up in the library talking about what the prospect was, and I saw Governor Booth there.

Q.—Had anybody telegraphed to you or sent a message to you to come up and take stock in the Senatorial fight, before you did come?

A.—No, sir; it was in reference to the other matter. I had written and induced other gentlemen to write in reference to the matter.

Q.—How long had you been acquainted with Senator Finney?

A.—Well, I had met the Senator on several occasions at the houses of different gentlemen.

Q.—Were you upon intimate terms with him?

A.—No, sir.

Q.—Then how did you happen—how did it happen that you would so far intrude upon him as to go to his private rooms and urge these arguments upon him.

A.—Well, I went there to find Phelps. My object was to find Phelps. I went then to Judge McCune's house on I street, knowing that Phelps' wife was there; I think he was there. They told me that Phelps was in Finney's room, and I went there and found him.

Q.—Had you any idea of meeting Senator Finney there?

A.—Well, I didn't expect to unless he was out of the Senate chamber. I was told by Mrs. Phelps that Phelps would be likely to be there.

Q.—Did you, during that conversation with him, hold out any inducement to the Senator to change his vote, except the argument that you had made?

A.—None in the world, sir; I had nothing to offer him.

Q.—You say that you had met Governor Booth that day, prior to your coming over?

A.—Yes, sir.

Q.—You had an interview with him in his office in the Capitol?

A.—Yes, sir.

Q.—Did he speak to you with reference to Senator Finney, and if it would be possible to get his vote for him?

A.—I mentioned Finney among others that were in the caucus, and he said no, he didn't think it was possible. I asked him if I should get these names for him.

Q.—You made him (Finney) no promise?

A.—No, sir; none whatever.

Q.—Held out no inducement?

A.—No, sir.

Q.—You did reason with him the best you could?

A.—Yes, sir.

Q.—Did he, during that interview, promise to you to change his vote?

A.—No, he didn't at that interview. Later in the evening he stated that he thought he should change his vote.

Q.—Where did you meet him later in the evening?

A.—I met him at his room.

Q.—By appointment?

A.—No, sir; I went up there perhaps at seven or eight o'clock.

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Q.—Was it agreed between you and Senator Finney, before you left, that you should come back there in the evening?

A.—Yes, sir; I think I told him I would come back in the evening, when I parted with him about dark.

Q.—How late was it in the evening before he promised you to change his vote?

A.—He did not promise me at all.

Q.—I understood you to say that he told you he would change his vote?

A.—Yes, sir; Mr. Phelps was there, and we walked over to Senator Goodale's room, Senator from Contra Costa, and he announced to Goodale that he was going to do it, and Goodale felt that he was doing right; that was the first time that he said it to him.

Q.—And at that time no inducements had been held out to him by you or any other person, so far as you know, to change his vote?

A.—No, sir.

Q.—Did he give any reasons why he was going to change his vote, did Senator Finney to you?

A.—Well, I think he gave a number of reasons; he thought this thing had been put up; he felt very uncomfortable in the caucus where he was, and he thought he would be doing right to do it.

Q.—Did you read the speech that he made when he explained his vote in joint convention?

A.—Yes, sir.

Q.—Were those the reasons that he named at that time, in substance?

A.—Well, I do not remember the exact wording of that, now, but my recollection is they were about the same.

Mr. Curtis—Since the Senatorial election, Mr. Staples, have you not claimed or stated in the presence of parties, that it was through your influence, or you had the honor of pulling Senator Finney from Shafter to Booth?

A.—That is a version I have not heard till lately. I have said it wa my good fortune to see Finney and argue with him, and I felt I ha some influence with him; I felt I had given him a good reason, whic satisfied him to make a change.

Q.—Do you remember to have said to a gentleman since—after the election—saying to him, "I am the man that pulled Finney from Shafter to Booth?"

A.—I do not remember using such language.

Q.—If you had used it would you have remembered it?

A.—I might have used it; I know I have stated on several occasions that I believed I was instrumental at that particular time in influencing Finney to change his vote.

Mr. Norton—Can you now state to the committee the arguments which you then used? Did you say in your judgment this changed him?

A.—I cannot say that I did. I used the best arguments I could, and I believe they influenced him.

Q.—Do you think you could give those arguments to me?

A.—I took this view of it: that Mr. Booth was the choice of the people of the State, and I believed it was a crime for men to keep up this contest and prolong it week after week, when the sentiment of the people was so pronounced?

Mr. Norton—Did you make any other points with him?

A.—I do not know; you can ask Mr. Phelps; he heard it all; I can only tell you the substance of it.

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TESTIMONY OF WM. W. DODGE.

WM. W. DODGE called, sworn, and examined:

Mr. Summers—Mr. Dodge, this is a charge brought by Mr. Boruck, through his paper, against the honor and honesty of undesignated members of the Assembly, in regard to alleged bribery during the late Senatorial election; if you know anything in regard to the matter will you please state it to the committee?

Answer—I don't know anything about it.

Mr. Norton—The investigation, according to my view of it, takes a wider scope. The authority conferred upon the committee was to investigate charges of bribery, not simply upon the accusations made by Mr. Boruck, in the *Spirit of the Times*. The power and authority have been conferred upon this committee to investigate bribery and corruption against any man, if any there were.

Mr. Summers—Most certainly.

Mr. Norton—Were you here during the Senatorial contest?

A.—Yes, sir.

Q.—How long did you remain in Sacramento City, during that contest, Mr. Dodge?

A.—Every day until the election.

Q.—You are the business partner of Governor Booth?

A.—Yes, sir.

Q.—Intimately connected with him in the vote, were you. Your feelings were very friendly towards him, from first to last, during that contest?

A.—Yes, sir.

Q.—Do you know of any inducements being held out by Governor Booth, or any of his friends, to induce parties to vote for him, in the interest of Governor Booth, or any one else. Did you, during that contest, give free dinners at the Sacramento Club-room?

A.—No, sir.

Q.—Did you, in any manner, try to influence any votes in favor of Governor Booth; I mean, in any manner, by offering any bribe, or hope of place or position?

A.—No, sir.

Q.—Do you know of any man that did?

A.—No, sir.

Q.—You say you was merely here during the contest?

A.—Yes, sir; I was here from the last of November to the twenty-third of December.

Q.—The contest commenced, I believe, on the twentieth, did it not?

A.—I won't be sure whether it was the twentieth or twenty-first; I know I went home on the twenty-third, however.

Q.—Have you heard, or did you hear, during the contest or since, of any offers being made by any one?

A.—No, sir.

Q.—For the purpose of obtaining votes?

A.—No, sir.

Q.—Did you read the article in the *Spirit of the Times*, that was published on the twenty-second of December following the Senatorial election?

A.—No, sir.

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Q.—Have you ever read that article?

A.—I don't remember that I ever have.

Q.—Has your attention ever been called to it?

A.—Extracts from it in other papers.

Q.—Where charges of bribery and corruption were made; that is the article that I allude to?

A.—Yes, sir.

Q.—Do you know Richard Brown, of San Francisco?

A.—I suppose he is the man elected Enrolling Clerk?

Q.—Yes, sir; during all that contest did he take a part in it?

A.—Not that I know of. He said he did. He was friendly with Booth.

Q.—He said he did?

A.—He said he was friendly to Booth.

Q.—When did you first hear him say that? You had a conversation?

A.—After Booth was elected.

Q.—That is not what I asked you?

A.—You asked if I had any conversation with him.

Q.—Did you have any conversation with him before Booth was elected?

A.—I might have. I don't know. I had a conversation with him after he was elected Clerk.

Q.—He was elected Clerk before that?

A.—Yes, sir.

Q.—After the fight for Clerkship was over, did he say anything about his being friendly to Governor Booth, and wishing to see him succeed?

A.—He might; but I don't remember. Most everybody expressed an opinion. I could not say what was said.

Mr. Curtis—You say, Mr. Dodge, that he seemed to be interested in his own contest for Clerkship? Then you must have had a conversation with him before he was elected?

A.—Oh, I had a conversation with him frequently. I told him, so far as I was concerned, I didn't have anything to say about it. I didn't come up here to log-roll for anybody.

Q.—Did you have any conversation with him about the election of United States Senator, at that time?

A.—No, sir; I might have, though, in general terms—how he was getting along, or something of that kind. Most every gentleman I met would have something to say.

Mr. Coggins—How long have you known Mr. Brown?

A.—Well, I knew him about three years ago, when he was first Deputy Sheriff, but I have not known him very intimately. I don't suppose I spoke to him more than once or twice a year.

Q.—Did he seem to take any part in the contest—any interest in it?

A.—No, sir; he didn't show any great interest, I didn't think, so far as I know. A great many said they were for Booth, that voted against him and worked against him; I know that. I don't know about him.

Mr. Amerman.—Mr. Dodge, during that Senatorial contest, were you a frequenter occasionally, or otherwise, of the Sacramento Club-room?

A.—Yes, sir; slept there.

Q.—Did you ever see Mr. Brown there?

A.—Never, to my knowledge. He might have been there a great many times. A great many come in; but he never came there on my invitation, and I don't know that I ever saw him there.

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TESTIMONY OF J. T. GLOVER.

J. T. GLOVER called, sworn, and examined:

Mr. Summers—Mr. Glover, this is a charge of bribery brought against the honor and honesty of undesignated members of the Assembly in regard to the late Senatorial election. If you know anything about it, you will please state it to the committee?

Answer—I don't know anything about it.

Mr. Norton—You are a business partner of Governor Booth, are you not?

A.—Yes, sir.

Q.—You reside in San Francisco most of the time, Mr. Glover?

A.—Most of the time, sir.

Q.—Was you here during the late Senatorial contest?

A.—Yes, sir. I was not here the day of the election; I was here the first day.

Q.—What time did you come here?

A.—I was here the first two days.

Q—How long did you remain?

A.—Two days—Monday and Tuesday.

Q.—And then you returned to San Francisco?

A.—Yes, sir.

Q.—Was here only two days?

A.—I think only two days. I came up Saturday—that night.

Q.—Do you know of any money, checks, promises, or anything else, being offered to any voter to go for any candidate?

A.—No, sir.

Q.—Did you read the article that was published in Mr. Boruck's paper, the *Spirit of the Times*, on the twentieth of December, immediately following the Senatorial election? The election, I believe, took place on the twentieth?

A.—I believe I did; I either read the article in his paper, or read a copy of it.

Q.—Did you frequent the Sacramento Club-room during your stay here?

A.—I always do when I am in the city.

Q.—Well, did you at this particular time?

A.—Well, several times a day.

Q.—Are you acquainted with a man by the name of Richard Brown?

A.—I don't know him.

Q.—You don't know him at all?

A.—No, sir; I never saw him, to my knowledge.

Q.—You took a deep interest in Governor Booth's election, did you not?

A.—Well, I preferred him to most everybody else.

Q.—Preferred him to anybody else?

A.—Yes, sir.

Q.—Did you know or hear of any inducements such as I have named, to wit: money, checks, promises—promises of place, of position—being held out to anybody to vote for Governor Booth?

A.—No, sir.

Q.—You were actively engaged in his fight, were you not?

A.—I don't know that I was.

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Q.—How?

A.—I don't think I was. I never had anything to do with it at all.

Q.—You didn't take any part in it; any active part in the fight, then?

A.—No, sir.

Mr. Curtis—Mr. Glover, I understand you to say that you don't know of any money, checks, drafts, or promises being given to any person to vote for any candidate for the United States Senate. Do you know of any money being given to anybody as an inducement to procure votes for the United States Senator, not only for Governor Booth, but for any person who was a candidate, not only Governor Booth, but to any person procuring a vote for any man who was a candidate.

A.—I don't know.

Q.—You say that you didn't yourself or don't know of any one doing it for that purpose?

A.—No, sir.

Mr. Amerman:—I move that this committee do now adjourn until to-morrow.

Mr. Norton desired to have Mr. Northup examined before the adjournment, and the motion of Mr. Amerman was withdrawn.

TESTIMONY OF T. M. NOSLER.

T. M. Nosler, called, sworn, and examined:

Mr. Summers—The object of this investigation is in order to investigate certain charges made against the honor and honesty of undesignated members of the Assembly, in the late Senatorial election. If you know anything in regard to this matter, you will please state it to the committee.

Answer—No, sir.

Mr. Norton—Mr. Nosler, were you here during the late Senatorial contest in Sacramento?

A.—Yes, sir.

Q.—What time did you arrive here?

A.—Two or three days before the Legislature convened, I think, and stayed till after it was over.

A.—Stayed till after the twentieth of December?

A.—Yes, sir; here all the time.

Q.—Did you take any interest in the contest?

A.—Yes, sir.

Q.—In whose interest were you working, if at all?

A.—Governor Booth. I was anxious for him to be elected Senator.

Q.—Where did you make your headquarters during your stay.

A.—At his rooms a great deal. I slept at the Grand.

Q.—Took your meals a great deal at Governor Booth's.

A.—Sometimes at a restaurant, most of the time there.

Q.—State to the committee if you know if, at any time during that contest, any money, gold coin, gold notes, and checks or drafts, or any promise of position or place, were offered to any person to gain votes for Governor Booth, or any other one in the contest?

A.—I don't know of any. I didn't make any.

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Q.—Do you know of any money, or anything of value, being placed in the hands of any middle man to be used for the purchase of votes?

A.—No, sir; I don't.

Q.—Did you hear of any such thing during the contest?

A.—No, sir; not that I know of.

Q.—Was you at the Sacramento Club-room frequently?

A.—No, sir; I was only there once. I went there one night. There was a party there; I didn't find him.

Q.—During the time you was there, you had various conversations with the friends of Governor Booth?

A.—Yes, sir; and others that were not his friends.

Q.—More particularly the friends—those who were friendly to him—inasmuch as you were working with them?

A.—Yes, sir.

Q.—Did you hear from them that any such offer was made, or had been made, or would be made?

A.—No, sir; I did not.

Q.—And you know nothing about it?

A.—No, sir.

Q.—Do you know Senator Finney?

A.—Yes, sir.

Q.—Do you know that he changed his vote during the contest?

A.—Yes, sir.

Q.—Do you know whether any inducement was brought to bear upon him to cause the change?

A.—No, sir; I never was introduced to him until after the thing was over.

Q.—Didn't know him until the contest was over?

A.—No, sir.

Q.—Do you know Richard Brown?

A.—Yes, sir.

Q.—How long have you been acquainted with him?

A.—Ten or eleven years.

Q.—You have been acquainted with him ten or eleven years?

A.—Yes, sir.

Q.—Were you intimately acquainted with him?

A.—No, sir; I knew him in the State of Nevada, and met him a few years ago in the City of San Francisco.

Q.—What business has he followed?

A.—He has been in the Sheriff's office under P. J. White.

Q.—Was he there until the time he came up here and was elected Enrolling Clerk? Was he then in office?

A.—He received his discharge. He was not under Mr. Adams, I don't think. I seen him occasionally on the street.

Q.—Do you know what business he followed when not in the Sheriff's office?

A.—No, sir; I saw him seldom.

Q.—What is his reputation in the City of San Francisco among those who know him?

A.—Oh, I don't know.

Q.—I mean his general reputation for truth and veracity, honesty, and integrity.

A.—I don't know anything about him, myself.

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Q.—I did not ask you that question. Do you know what his reputation is among his friends and neighbors where he has lived in San Francisco the length of time you speak of?

A.—Oh, I have heard men say he is a sharp wiry fellow, but I have never heard his reputation called in question much.

Q.—First, do you know his reputation? Do you know what people generally say of him?

A.—No, sir, I do not.

Q.—You don't know what they generally say of him?

A.—No; I have never heard much said about him in any way.

Q.—You say you was here during all the time the contest was going on, in Sacramento, stopping at Governor Booth's place—taking your meals there and sleeping at the Grand Hotel?

A.—Yes, sir.

Q.—Did you at any time learn that Richard Brown was taking any part in the contest for Governor Booth?

A.—No, sir. He told me he was a candidate for Clerk.

Q.—Yes, sir; and he was elected before the Senatorial election?

A.—Yes, sir.

Q.—Now, during the time the Senatorial contest was going on, did you know that he was taking an active part in favor of Governor Booth?

A.—No, I did not.

Q.—Did you meet him here frequently?

A.—I met him around town frequently.

Q.—You did not learm from him or anybody else that he was taking stock in the fight, did you?

A.—No, sir.

Q.—Is he a man of wealth or means?

A.—I declare I could not tell.

Q.—Have you any means of knowing whether he had as much as two thousand dollars at his hand when he came here to Sacramento?

A.—I would have no means of knowing.

Q.—Being intimate with him in reference to this contest for Enrolling Clerk, I didn't know but what he had stated something to you about how he was fixed in money matters.

A.—No, sir, he did not.

Q.—You know nothing, then, about the truth of this matter?

A.—No, sir.

Q.—Neither of your own personal knowledge, nor from hearsay?

A.—No, sir.

Mr. Amerman—Mr. Nosler, you say you have known Mr. Richard Brown a long while—ten or eleven years?

A.—Yes, sir.

Q.—Has he not the reputation of what is called, in common parlance, a sport?

A.—No, sir; that is not the idea I had of him; because I run with that class of men sometimes myself, and I never have seen him there.

Mr. Curtis—He is more of a primary or political sharp?

A.—Yes, sir; a political sharp. They called him Pat. White's man—something of that sort. I don't know anything about it.

Q.—Do you know what his politics are?

A.—I have not heard this season what they are.

Q.—*Mr. Coggins*—Did you meet with him at any time at Governor Booth's rooms during this time?

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A.—I don't think I ever saw him there; he might have been there.

Q.—Did you ever see him in Governor Booth's company, or at his receptions?

A.—I don't know; he might have been there; I don't think I ever did. He might have gone there. Sometimes there was a great many persons there.

TESTIMONY OF D. C. NORTHUP.

D. C. NORTHUP, called, sworn, and examined:

Mr. Summers—Mr. Northup, this is an investigation in regard to charges of fraud and corruption, made against the honor and honesty of undesignated members of the House, in regard to the late Senatorial election. Will you please state to the committee what you know in regard to the matter?

Answer—I am ready to answer any question you desire to ask me.

Mr. Curtis—You are a member of the House, are you, Mr. Northup—the present Legislature?

A.—Yes, sir.

Q.—Do you know anything, Mr. Northup, of any offers to any member of the House, or to anybody else, or proposal to change the votes for any candidate for the United States Senate?

A.—Not to my knowledge, sir.

Q.—Have you heard it spoken of by any person?

A.—I have.

Q.—By whom?

A.—By different parties, on the street.

Q.—Will you have the kindness to tell the committee what you know about it; what you have heard about it?

A.—I have heard so much, I don't know that I could tell any particular point.

Q.—You are acquainted with Mr. Ryan, the reporter of the *Chronicle?*

A.—I am not; but I believe there was a man by that name came to me something like a week after the article first appeared in Boruck's paper. He told me that he had understood from Mr. Boruck that I had been offered three thousand dollars. I asked him if Mr. Boruck told him that I had said so, and he said that he did, and I then told him it was not so, and that I could not charge that I had been offered three thousand dollars by Mr. Booth or any of his friends. He asked me if he should publish that, and I told him to publish what he saw fit to, so long as my name was not mentioned.

Q.—Then you never told Mr. Ryan that?

A.—I never told Mr. Ryan that anything had been offered to me.

Q.—Did you ever have a talk with Mr. Dixon about that?

A.—Mr. Dixon and myself, and one other member. We were in the Assembly Chamber, I think, at the time, and a member came in and says to me, I want you to go out into the hall; there is a man out there has got coin. I was asked to take it and expose the man, and I said I can't do it. I turned around to Mr. Dixon, and said I could not do it.

Q.—You made the same remark to him?

A.—Yes, sir.

Q.—Then I understand you, that there never was any offer made to you?

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A.—By any of Mr. Booth's friends, or by anybody in connection with him?

Q.—By anybody?

A.—No offer was ever made to me to vote for Mr. Booth.

Q.—Was there ever any offer made to you to vote for Mr. Booth, or anybody else?

A.—Not for Mr. Booth, or any of the Senatorial candidates.

Q.—Did anybody ever offer you any drafts, check, bill, or money, or promise; any office, or hope of reward, for your vote, in the Senatorial contest?

A.—No, sir.

Q.—Did anybody who professed to be a friend to any candidate—did anybody ever make you such a proposition?

A.—No, sir.

Q.—Did you ever say so?

A.—I didn't.

Q.—Have you ever said that?

A.—I said if I should do certain things, that I would receive money for it; that it was not put up for me to vote for anybody.

Q.—Well, was it the intention that you should get somebody to vote?

A.—No, sir; it was the intention that I should not vote at all.

Q.—Then was there ever any money offered to you to keep away from the roll call?

A.—It was said to me that I should receive a sum of money if I didn't vote.

Q.—How did you vote?

A.—I voted for Mr. Hagar—for Mr. Farley.

Q.—Then you was offered money, did I understand you, if you would not vote at all?

A.—I was not offered money.

Q.—What was you offered?

A.—If I didn't vote for Mr. Farley, I would receive money; it was not offered to me. I asked no questions about it, because I didn't intend to accept it; therefore, I didn't make any inquiries.

Q.—Would you have any objection to give the committee the name of the party?

A.—I would, sir, because he is not here; he is an old man and made an apology to me.

Q.—If the committee should direct you to answer, would you?

A.—I don't think they could.

Q.—They could make you. I will ask you the question who it was?

A.—I don't feel at liberty to answer.

Q.—The Chairman of the committee can ask you?

A.—The gentleman has come to me since that time, and the statement he made to me was that he was very much excited, and requested me, if this thing happened, that I would not bring his name in this connection, and I don't feel that it would be right for me to do so.

Mr. Summers—Mr. Northup, we will have to demand an answer to the question. As I understand, that is the object of the committee to pry into this thing and ascertain whether there is anything wrong in regard to the matter. It is our duty to find it out and to investigate the matter. That is what we are here for.

A.—Well, I hope you will not press that question. I will telegraph to the man to-morrow. It would be placing him in a very peculiar position, and I promised him that I would not make his name known.

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Mr. Norton—We are placed in a peculiar position. In obedience to the orders of the House our duty compels us to investigate this matter clear to the bedrock, without reference to friends or foes. The position you occupy here is the same as though you were in Court and the Judge had instructed you to answer the question. We would be powerless to investigate this question unless we had the power to compel answers to questions.

A.—I can telegraph to that man to come here. I should not want to give his name.

Mr. Summers—I can't see any impropriety, Mr. Northup, in answering the question.

Mr. Curtis—If the Chairman will permit me, I will pass this question and bring it up again. Are you certain, Mr. Northup, that Mr. Ryan told you that Mr. Boruck told him to come to you?

A.—That is my impression now, sir. I don't know that I would know Mr. Ryan if I should see him again.

Q.—That is the gentleman there, sir.

A.—That is as near the conversation as I can remember.

Q.—I would be glad for you to refresh your memory in regard to that particular portion of the conversation?

A.—That is the best of my recollection. I wouldn't swear to it, but I think he said Mr. Boruck. I didn't see the gentleman more than five minutes altogether, and might be mistaken.

Q.—Then you wouldn't be positive; not so positive as to contradict a party under oath. But that is your impression?

A.—Yes, sir; that is my impression; as near as I can recollect, that was about the conversation we had.

Q.—Was you ever approached by any other person, except this party whose name you decline to give, in consideration that you would absent yourself at the time of the election, and would not vote for any other one?

A.—No, sir.

Q.—You was at that time a partisan of Mr. Farley?

A.—Yes, sir.

Q.—You didn't accept that proposition, but appeared at the roll call and voted for Mr. Farley?

A.—So the record will show, sir.

Q.—You told Mr. Dixon of the matter at the time?

A.—That was at the time of this other affair.

Q.—At the time this party made the proposition to you?

A.—No, sir; not the party I spoke of. The party I spoke of to Mr. Dixon was another man entirely, but a member of the House told me a man sent for him to come out in the lobby, and he told me there was a man out there in the lobby that had money, and wanted me to go; that I should go out and take the coin and expose him.

Q.—Have you any objection to giving the name of that member who told you that there was a man outside who had coin?

A.—It was Ferguson.

Q.—Mr. Ferguson advised you to go out?

A.—It was advice. He said: "Go out and take his coin, for the sake of exposure."

Q.—You don't know who the man was?

A.—No, sir.

Mr. Summers—I would ask the committee whether Mr. Ryan would have the privilege to ask Mr. Northup a question, or not? It is a matter I would submit to the committee.

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Leave was granted.

Mr. Ryan—Mr. Northup, I suppose, of course, that your recollection don't seem to be very clear about our conversation. I merely want to repeat to you what I stated awhile ago, and see where we differ. I said I came to you and told you that I was investigating Boruck's charges that some member of your House had been offered money; that I was told that you had been offered three thousand dollars; and I said, here, Messrs. Ferguson and Dixon were the gentlemen who had informed me, and I came to you and asked you and you stated to me that a man offered you money. You said no friend of Booth, that was the way. We talked over the matter, and some friends of yours were waiting for you at the time, and you said no friend of Booth's had offered you money; and I was about to leave you, and you said, but I will tell you this (I had told you I was a reporter of the *Chronicle*, and whatever I ascertained I intended to print). You said I will tell you this. I stated here that you said: "I have been offered money to change my vote from Farley to Booth." I asked you if any friend of Booth offered you that. You stated no. I asked you who it was, and you stated, no, you would not tell me, and no one could make you tell. He was an old friend of yours, and he was an old Democrat, and you was very much grieved that he could do such a thing, and your regard for him would not permit you to tell his name, and you conveyed the impression to me, through what you said, that he had made this offer for the purpose of defeating the Democratic caucus programme. The question now remaining is: Whether you stated that you were offered money for your vote, or whether you were offered money not to vote? You certainly told me, positively, knowing that I was a correspondent of the San Francisco *Chronicle*, that money was offered to you for your vote. I considered that money was offered from your conversation with me.

Mr. Northup—I considered money was offered if I dropped Farley. Perhaps you are nearer right in your recollection than I am. I know the conversation did not last five minutes; and the difference is, that I told you I was offered money not to vote, and not that I was offered money to vote.

Mr. Ryan—I want to point out to the committee that the only difference was that he says he was offered money not to vote, and I say he said he was offered money for his vote. I am willing to rest the matter right there.

TESTIMONY OF VINCENT RYAN—(RECALLED.)

VINCENT RYAN, recalled:

Mr. Curtis—Mr. Ryan, did Mr. Boruck tell you anything about that?

Answer.—No, sir, not at all in relation to this matter of Ferguson. I took it in jest about Mr. Ferguson. Mr. Ferguson was the first person I went to definitely for the purpose of procuring any information. I heard in the street about there being bribery and a chance to get money. I went to him and I said to him, "I want you to tell me the exact truth about this matter, because I am going to print it, and I don't want any wild talk about it." He said there had been a good deal of joking and talk about it, but nobody had offered him any money, and then he told me the story Mr. Northup told: that Albert Hart one day went into the Assembly chamber and called him out into the hall and intro-

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duced him to Tom Nosler, the gentleman who was here awhile ago. Mr. Nosler told him he was an old Placerite, and he would like very much to have Booth elected, and he thought it was a splendid opportunity to distinguish himself, especially as the people wanted him; that only one vote was needed, and he thought it would be very much to his advantage to vote for Booth. I asked him if Nosler offered him money. He said no; not a word was said about money. "Well," I said, "what did you do about it?" He replied, "I told him I could not vote for Booth, and turned around and went off." I said "Did you say he offered you money?" He said no, and he had gone into the Assembly chamber, and there meeting Dixon said to him that there was a man out there who wanted him to vote for Booth, and he didn't know but what there was money in it, and I asked him directly whether any word had been said to him about money or coin, and he said no, not a word. My only object in going through the thing was that I said in the paper I didn't believe any friend of Booth's had ever offered a dollar, and I wanted to know if I was right or not, and I investigated the matter and satisfied myself that I was.

TESTIMONY OF B. C. NORTHUP—(RECALLED.)

B. C. NORTHUP, recalled:

Mr. Curtis—I leave the question for the counsel, for the committee; it would not be proper for me to insist upon it.

Mr. Northup—I would like to see the committee all together, and give them my reasons, and I think they will accept of them.

Mr. Norton—We would be powerless to proceed further with the investigation unless we did know the name of the party whom Mr. Northup says did make an explicit offer to him; the investigation might just as well close here, if there is to be any dodging or whitewashing. I suppose that we, probably, in the committee, would not have the power to compel him to answer; we would have to refer that matter back to the House, and show the House he had disobeyed the orders of the committee, and bring him before the bar of the House to see what reasons he had to offer to the House why he did not answer. If the House should accept them, it would exculpate the witness; if not, he would be forced to answer.

Mr. Norton—I wish to ask Mr. Northup one question, and if he refuses——

A.—I do not want you to understand that I refuse to answer this on any ground of my own.

Mr. Norton—We claim that there can be no justifiable ground. The people have a right to know; the people of the State, I state, have a right to know, and are interested in this matter. In our duty to them the considerations are higher than any one man can have in the matter. The object of this investigation is not to gloss over or whitewash any man or anything, but to get at the facts.

Q.—What time was this offer made to you—I mean the offer, the one that you refused to give the name of the man who made it?

A.—I should think it would, perhaps, be the second day of the contest—the second or third day.

Q.—Did you have more than one interview with him upon the subject?

A.—No, sir.

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Q.—You said that he afterwards stated to you that he was excited—somewhat intoxicated?

A.—Yes, sir; that is the apology that he made to me.

Q.—Then you did have an interview with him?

A.—Well, sir, he saw this piece in Mr. Boruck's paper.

Q.—It was after that that he apologized to you?

A.—Yes, sir; he was out of town—out of the city—and he came to me.

Q.—That must have been, then, some ten days or two weeks after he made the offer?

A.—Yes, sir; I should think so.

Q.—Was the man stopping in the city all the time?

A.—No, sir.

Q.—In what county does he reside?

A.—He resides in Nevada County.

Q.—To what political party does he belong?

A.—Well, I think he is a Democrat.

Q.—Do you know what party he is working with?

A.—I never saw him vote, but I take it for granted he is a Democrat.

Q.—How many days did he remain in this city after that?

A.—I think he went away the next day, or next day but one.

Q.—Where was the offer made?

A.—In the Golden Eagle Hotel.

Q.—Did he take you aside?

A.—Yes, sir; he took me to his room.

Q.—What was the number of the room?

A.—That I could not state.

Q.—On the first, second, or third floor?

A.—That I don't know, either the second or third floor.

Q.—How long was you in the room?

A.—Probably ten or fifteen minutes.

Q.—Mr. ———, before you went up to the room, did he tell you what he wanted with you?

A.—No, sir.

Q.—How did he approach the subject?

A.—Well, he plumped at it pretty plain, and I told him I would not have anything to do with it. The old man was pretty well set up.

Q.—It was a fact that he was intoxicated?

A.—Yes, sir; he was intoxicated and I had no more conversation than I could help with him. He was so much intoxicated that he went to bed, and I left him there. He locked the door after me when I went out.

Q.—How much money did he offer you?

A.—He didn't offer any stated sum. He said I could have two or three thousand dollars.

Q.—In whose interest was he working?

A.—I don't know; I didn't ask.

Q.—In whose interest was he working?

A.—He wanted me to drop Farley—was the proposition he made.

Q.—Did he want you to vote for anybody?

A.—Simply to drop Farley.

Q.—To go away?

A.—He didn't say go away—simply asked me to drop Farley.

Q.—Did he show you any money?

A.—No, sir; he did not.

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Q.—Was that before or after this gentleman came to you in the House, here, and said there was a man in the lobby that had money?

A.—No; that was before. That was the very morning of the election, I think; at least, after it was made.

Q.—Do you still call that an offer?

A.—No; I say the time that was made—not an offer; I never saw the parties that spoke to Ferguson. I thought Ferguson came in more out of fun than anything else.

Q.—You didn't attach any importance to that?

A.—No, sir; I never gave any weight to the matter. I casually repeated it to somebody.

Q.—Did you repeat it to anybody but Mr. Dixon and Mr. Ryan?

A.—Well, yes, I suppose I did. It was a man that I didn't think anything of——

Q.—Do you know Richard Brown?

A.—Yes, sir.

Q.—Did you ever have any conversation with him about it?

A.—I might and I might not; I don't recollect about it; still I might.

Q.—Have you had a conversation or any conversations with him about the Senatorial contest?

A.—Not to my recollection; still I might have had some. I don't recollect, though, of speaking to him about the Senatorial election at all. I have talked with a great many people about the Senatorial contest. I don't remember anything about it.

Q.—How long have you been acquainted with the old gentleman who made you the offer?

A.—I don't know; I never was intimately acquainted with him.

Q.—Had he been actively engaged in the Senatorial contest up to that time?

A.—No, sir; I don't think any further than he was here; and I think he was here three or four days.

Q.—Before he made you this offer?

A.—Yes, sir.

Q.—Did he say he would give you three thousand dollars, or you could make that?

A.—I could have it.

Q.—Just repeat his language.

A.—You can have two or three thousand dollars if you will drop Farley.

Q.—Now, that is what he said to you?

A.—Yes, sir. He didn't say he would give it to me; didn't say where I could get it; showed no money. Further than that, I said I would not do it, and got up and left the room. He took his coat off and went to bed, I think, at that time, because he locked the door after I went out, and I never had any further conversation with him about it until two days after the thing appeared in the paper.

Q.—That seemed to open his eyes a little?

A.—Then he came down here, and I met him at the State House steps, and he spoke to me about it, and said he was excited and intoxicated, which I knew he was, and apologized, and wanted I should think no more about it, and not to bring his name in, in case there was an investigation had.

Q.—Have you stated to the committee all you know about offers of

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money, checks, or anything of value, or promises, in this whole Senatorial contest?

A.—Yes, sir.

Q.—You have stated it all?

A.—Yes, sir; everything that I know anything about at all, or heard of.

Q.—Now, what was that man's name that made you the offer?

A.—Mr. Norton, I should rather not answer that to-night.

Q.—I know that. You have so stated before; but our duty is imperative. We shall either have to have an answer to-night from you, or refer this matter to the House, and bring this matter before its bar to answer there; and it seems to me that it would be much easier for you to answer the question here than to answer it at the bar of the House, where you certainly would have to answer it. You can see at a glance, Mr. Northup, why it is that we are compelled to insist upon it, because it is the next link in the chain in the investigation. We shall send for the man. He must explain to this committee upon what authority he made that offer; if upon his own, so state; if for anybody else, so state; so that we can get at the whole truth.

Mr. Amerman—Mr. Chairman, I understand the delicate position in which Mr. Northup is placed; at the same time he should consider the position in which we are placed; what we are bound to do; what our duties require of us, and I want to give him every opportunity in the world to consider the matter, and I move the committee take a recess of ten minutes in order to give Mr. Northup time to consider the matter.

Mr. Ryan—You stated in the opening of your testimony here, Mr. Northup—said that you didn't know Mr. Ryan; never told Mr. Ryan that any money had been offered to you?

A.—I will explain that in this way: I didn't know who Mr. Ryan was at all.

Q.—Of course. What I want to get at is this: In giving my testimony, I said you told me that no friend of Governor Booth ever offered you any money; "but I can tell you this much, I was offered money to change my vote from Farley to Booth?"

A.—Well, I don't think I said that. I think what I told you was, I was offered money if I would drop Farley. I don't think I told you I was offered money to vote for Booth.

Q.—You don't deny that you was offered money?

A.—Well, I considered that——

Q.—The only difference is, that I say you said money was offered you to change your vote from Farley to Booth, and you say it was to drop Farley?

A.—Yes, sir.

The motion of Mr. Amerman was carried, and a recess of ten minutes was taken.

TESTIMONY OF B. C. NORTHUP—(RECALLED.)

The committee reassembled.

B. C. NORTHUP, recalled:

Mr. Norton—What was the man's name who made you the offer, as stated by you?

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Answer—Thomas Hughes.

Q.—Where does he reside; what place in Nevada?

A.—Well, I don't know, in the southern part of the county, below Grass Valley; I don't know where.

Q.—How far from Grass Valley?

A.—I don't know. It is three, four, or five miles. He has got a ranch down there somewhere.

Q.—Is he a ranchman?

A.—Yes, sir; that is his business.

Q.—I believe you stated, Mr. Northup, that you were not acquainted with him.

A.—I was not very well acquainted with him.

Q.—Did you know him personally?

A.—I had never seen him to know him.

Q.—Do you know where his ranch is?

A.—I don't; I know it is below Grass Valley.

Q.—In what direction from Grass Valley?

A.—Well, that I could not tell you; I never was there. I am under the impression, though, it is to the southward of Grass Valley; but whether it was four or five or ten miles, I could not tell.

Q.—I am asking with reference to sending for him.

A.—I think Mr. Pelham could tell you exactly.

Q.—Is he an acquaintance of Mr. Pelham's?

A.—Yes, sir; I think so.

Q.—Is he an old resident of Grass Valley, so far as you know.

A.—Yes, sir; I think he is. Anybody in Grass Valley knows him.

Mr. Amerman—I move that this committee adjourns, subject to the call of the Chairman.

Mr. Curtis—You will remember that when Mr. Boruck was before you, he stated that he desired, if the committee would permit him, not to give the name at that time, but he would, if subsequently it was desired. You excused him and the name was given by Mr. Carter. We want the committee to understand that Mr. Boruck does not stand in contempt, at all.

The Chairman—I will authorize the Sergeant-at-Arms to subpœna Thomas Hughes.

Mr. Amerman—I move that we adjourn.

Mr. Norton—I move, as an amendment, that we adjourn to meet to-morrow evening at seven o'clock.

The motion as amended prevailed, and the committee adjourned.

SECOND NIGHT'S PROCEEDINGS.

THURSDAY, February 5th, 1874.

At seven o'clock the committee met. Present, a full committee.

All witnesses who had not yet testified were excluded from the room. Mr. Brown was granted leave to remain.

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TESTIMONY OF RICHARD BROWN.

RICHARD BROWN, called, sworn, and examined:

Mr. Summers—Mr. Brown, the object of this investigation is to ascertain, in regard to the facts, with regard to alleged briberies and fraud charged against undesignated members of this present Assembly, in the late Senatorial contest. Will you please state to the committee what you know in regard to the matter, if anything?

Answer—Well, I am not conscious of having done anything, or bribed any person, and I would like to be asked questions.

Mr. Norton—What is your name?

A.—My name is Richard Brown.

Q.—Where have you resided before you came to Sacramento?

A.—I resided in San Francisco.

Q.—For how long a time in San Francisco?

A.—Six or seven years.

Q.—In what business have you been engaged in San Francisco?

A.—I have been in the Sheriff's office for four years of that time. I was a salesman part of the time with P. J. White & Co., on Front street. The balance of the time I have been engaged in collecting for a number of merchants in San Francisco, associated with an attorney by the name of Mr. Craddock.

Q.—What time did you come to Sacramento, with reference to the Senatorial contest, before its close? I mean the contest for the long term?

A.—Well, Mr. Norton, I did not come with a view of participating.

Q.—I did not ask you that. How long did you come before it closed?

A.—Well, I think, Mr. Norton, that I came here about a week—five or six days, thereabouts—before the organization of the House. I have forgotten now, really, as to what day; I believe it was two weeks after that, that the Senatorial contest commenced.

Q.—What day of the month were you elected Enrolling Clerk of the House? You were so elected, were you not?

A.—I believe so; yes, sir. Well, my memory is at fault about that; I forget, now, how many days it was. My contest was a very close one, and I believe it was made the special order for one or two days afterwards.

Q.—Were you declared defeated the first day?

A.—Yes, sir.

Q.—Your main competitor was Tod Robinson?

A.—Yes, sir.

Q.—On a subsequent day you were declared elected?

A.—Yes, sir. On a subsequent day it was declared a tie, and subsequently to that I was elected.

Q.—By a handsome majority?

A.—By a considerable majority.

Q.—Did you form the acquaintance of a man by the name of J. C. Carter, before you were elected Enrolling Clerk—one of the members of the House?

A.—I did, on or about that time.

Q.—On or about what time?

A.—A little before I was elected Enrolling Clerk—a Mr. Carter from Yuba?

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Q.—Yes, sir. Under what circumstances did you form his acquaintance?

A.—Well, I think I solicited his vote.

Q.—For Enrolling Clerk?

A.—Yes, sir.

Q.—Was that the first time that you had ever met him personally?

A.—Yes, sir.

Q.—It was?

A.—I never knew him before, Mr. Norton. That was the first time I ever met him.

Q.—He was an entire stranger to you up to that time?

A.—Entirely so, sir.

Q.—After your contest was over, did you see him again?

A.—Oh, I saw him several times before that—before my contest was over. He came to me once, I believe, and told me if I would get him a man to vote for some man by the name of Campbell for Sergeant-at-Arms, he would support me for Enrolling Clerk. Well, I told him I would see what I could do about it; but I found that a friend of mine, by the name of Hawkins, was running for Sergeant-at-Arms in the Senate, and I didn't do anything in regard to obtaining a vote.

Q.—How much money did you bring with you from San Francisco?

A.—I think I had forty dollars or fifty dollars; may be a hundred.

Q.—When you first came up?

A.—Not to exceed a hundred.

Q.—The week before the commencement of the session?

A.—Not to exceed one hundred dollars.

Q.—Was your family with you?

A.—No, sir.

Q.—You came alone?

A.—Yes, sir.

Q.—You are a married man, are you?

A.—Yes, sir.

Q.—And have a family?

A.—Yes, sir; two children.

Q.—After this conversation with Mr. Carter, with reference to your getting a vote for his candidate for Sergeant-at-Arms, when next did you see him to have a conversation with him about the ballots?

A.—Well; I disremember. It was a little before or after I was elected. It might have been—I think it was—between the time that it was declared a tie vote between Mr. Robinson and myself, and the time that I was elected.

Q.—What arrangement did you make, if anything, with Mr. Eardley, from Santa Clara?

A.—I agreed to appoint him.

Q.—Is that all the arrangement?

A.—Well, I agreed to give him a portion of the office, but I afterwards went to him and told him that that was contrary to law, and I wanted him to relieve me of it, and he did so.

Q.—What was the consideration that he was to give you for you to give him one half of the office?

A.—Well, he agreed to get me a certain number of votes.

Q.—How many votes did he agree to get you if you would give him one half of the office?

A.—Well, he didn't say.

Q.—Did he name any delegation?

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A.—Not particularly.

Q.—Did you make a promise to him to give him one half of the office without you had a certain understanding with him how much strength he would bring to you?

A.—Oh, well, there isn't anything—I don't remember there being anything said except as I detailed. I agreed this way: that up to the time he was appointed I should pay him at least one half of my pay until I got him an appointment.

Q.—Was that all the arrangement that you made with Mr. Eardley?

A.—That was all.

Q.—That was all the understanding you had with him?

A.—That was all.

Q.—No further arrangement was made?

A.—Well, that was the substance of the arrangement. I don't know that there was no other word said.

Q.—Was Mr. Carter cognizant of this arrangement with Mr. Eardley? Did he know of that?

A.—I don't think he did, sir; I don't know that he did.

Q.—Did Mr. Carter promise to vote for you as Enrolling Clerk?

A.—He promised that if I would get some votes for Campbell that he would vote for me for Enrolling Clerk.

Q.—Did you get those votes?

A.—No, sir, I did not. As I said before, I found out that Mr. Hawkins——

Q.—Did Mr. Carter vote for you?

A.—Yes, sir.

Q.—The day before the Senatorial contest closed; it closed, I believe, on the twentieth of December; Governor Booth was elected Senator on the twentieth?

A.—Yes, sir; I believe he was elected on Saturday.

Q.—I call your attention now to the nineteenth—the day before that contest closed. Do you remember going after Mr. Carter down in the lobby or in the hall?

A.—I did, sir.

Q.—What did you say to him?

A.—I said if he was at leisure—when he was at leisure—to drop up and see me at my room.

Q.—He was in the lobby, or in the House proper, when you went for him?

A.—Well, I disremember; he was standing up; I disremember if he was in the lobby or inside of the bar or not.

Q.—How long was that before the Legislature went into joint convention on that day?

A.—It was before the Legislature met.

Q.—Before they met?

A.—Well, they went into session in the morning. I believe they met at that time at eleven o'clock.

Q.—Did he go with you?

A.—I have forgot whether I went up to my room and he followed me, or whether he went with me at the time; but it was very soon after.

Q.—Who was in your room when he arrived there?

A.—There was Mr. Eardley and his son.

Q.—When Mr. Carter came, what did you say to these parties that were there?

A.—I wanted to converse with Mr. Carter, and Mr.—I probably

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had better explain this to you now, because I would have to explain it again anyhow—Mr. Eardley, I thought he would think that I was giving away his place, whereas I did not intend to do anything of the sort, and I wanted to have a private conversation with him. Mr. Carter had sought a place for some friend of his in my office.

Mr. Carter—What a liar you are.

Mr. Brown—I would a great deal sooner you had assailed me that way on the street. I don't desire to be talked to in that way. I am very sorry, indeed. You shall certainly have an opportunity of calling me a liar on the street. I must say that I think you are a consummate liar. It is just retaliation, that is all; he said I was a liar.

Mr. Norton—I asked you what you said to these men—the man and boy?

A.—I said I desired a private conversation with Mr. Carter.

Q.—They went away?

A.—Yes, sir; they went away.

Q.—What did you then say after they had gone out?

A.—I said to Mr. Carter that, although I was not—I had no acquaintance with Mr. Booth—that through a great many friends of mine I was induced to do everything I possibly could to secure Mr. Booth's election, that I could honorably. And he said, well, he had no objections to that. Well, I says, says I, "Can't you vote for him?" and he says, "No; I am a Republican; I can't vote for him." I then said that I regretted it very much; that if I had two thousand dollars I would lay it down in gold notes to-day to have him elected United States Senator. He said, well, he was very sorry that he could not vote for him, and thereupon the interview ended. My object in having him come up to my room was this: that if he desired the appointment of a man in my office—in order to have placed him under obligations to me so that I could consistently ask a favor of him—I would have granted it. I would have consented to have appointed his man that he wanted.

Q.—What interest, personally, had you in Governor Booth's election to the United States Senate?

A.—Simply because I thought he was the best man, and that my friends were in that direction.

Q.—Who do you mean when you refer to your friends, particularly?

A.—Well, the majority of the San Francisco delegation.

Q.—Had any of the San Francisco delegation, at any time or place, asked you to use this kind of influence to gain votes for Governor Booth?

A.—No, sir.

Q.—This you did, on your own responsibility?

A.—I did it, voluntarily.

Q.—What man was it that Mr. Carter wanted to get into the Enrolling Clerk's office?

A.—He didn't say.

Q.—How long before this day had he spoken about it to you?

A.—It was immediately before or immediately after my election. I disremember.

Q.—How much money did you have at that time?

A.—At that time?

Q.—The time he was up there in the office?

A.—Well, I don't think I had to exceed ten dollars in my pocket or any place else in Sacramento.

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Q.—Mr. Carter says that you did offer him two thousand dollars in gold notes?

A.—Well; that is not so.

Q.—Have you given all the conversation that occurred between you?

A.—That is all, sir—only—yes; I beg your pardon—he asked me to call upon him at his hotel, the International Hotel, and I said probably I would do it. I didn't do it, however.

Q.—Do you remember about the time he was leaving, of your reaching out your hand to him, and saying to him, "This is upon honor now," or words to that effect?

A.—I never said anything of the sort.

Q.—You deny that emphatically?

A.—Emphatically, sir.

Q.—You also deny, as emphatically, offering him any sum of money?

A.—Any sum of money whatever.

Q.—Had you ever spoken to Governor Booth about his chances in that contest?

A.—Mr. Booth would not know me if he met me here in this hall.

Q.—Had you ever conversed with any of his friends about doing this kind of work, or those who were working for Governor Booth?

A.—Never, at any time or at any place.

Q.—What did you mean by insinuating to him that if you had two thousand dollars, you would freely lay it down in gold notes for the election of Governor Booth; did you mean to induce him to think that you would do so if he promised to vote for him?

A.—No, sir; I merely wished to show him my disinterested friendship for a person whom I esteemed very highly, and whom my friends esteemed very highly.

Q.—How did Mr. Carter take the proposition?

A.—Well, he said that he could not vote for Mr. Booth.

Q.—Did he seem indignant at the proposition, or was he unruffled?

A.—Indeed, he didn't; because I didn't see anything that I said that could make him become indignant. If he had renewed his request for to put in this man in the office with me, I would have granted it in order to have placed him under an obligation to me, so that I could consistently ask him, and impress upon him to vote for Booth.

Q.—Had Governor Booth, or any of his friends or agents, given you any money to use in this contest?

A.—Not one—not a ten cent piece; not enough to get a drink of the poorest whisky in the country.

Q.—When Mr. Carter was about leaving, did you not say to him that you would not take his answer as final?

A.—I did not.

Q.—But that you would call at his room that evening, and asked where his room was?

A.—No, sir; he invited me down to his room.

Q.—Did you say to him that you would not take his answer as final?

A.—I did not.

Q.—Did you promise to go to his room?

A.—I told him, if I had time, I would.

Q.—Why did you not go?

A.—Well, I was busy at other matters, and I didn't think it was of sufficient importance to go and talk with a man who said positively he would not vote for Mr. Booth. I didn't want to be wasting my ammunition with him.

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Q.—By ammunition did you mean the promise of two thousand dollars?

A.—No, sir; I meant a waste of words. It would be very difficult for me to have given him two thousand dollars, when I lacked about nineteen hundred and ninety dollars of having the amount.

Q.—And didn't know where you could get the balance?

A.—And I didn't know where I could get the balance.

Q.—Was not Mr. Eardley to have the appointment of half the clerks of enrollment in your office?

A.—I think there was something said about it—that he wanted some of the appointments.

Q.—Was not that the agreement made between you and Mr. Eardley when he withdrew from the contest and agreed to throw his strength for you?

A.—Well, I think there was something said about it—about him having two or three appointments.

Q.—Do you deny that?

A.—I don't deny it particularly—I think probably that that is the case.

Q.—That he was to have the appointment of half of the clerks in the enrolling office?

A.—I think he was to have one or two. I think two was the outside.

Q.—You say you afterwards broke that engagement with him?

A.—By his consent; yes, sir.

Q.—Because you thought it was illegal?

A.—Because I thought it was illegal; yes, sir.

Q.—Did you see Mr. Carter after that at any time, after the time he left?

A.—After the time I spoke to him?

Q.—Yes, sir?

A.—Yes, sir; he spoke to me the following morning, and asked me why I didn't come down to his house, and I said I was busy otherwise.

Q.—Didn't he ask you if you had found your man?

A.—He never said anything of the sort.

Mr. Amerman—Mr. Brown, did you, on the Friday morning previous to the election of Senator for the long term, go into the Assembly Chamber at Mr. Carter's desk, and tell Mr. Carter that you had some business with him, and you would like to have him come up in your room, telling him at the time the number of your room—where it was?

A.—Well, Mr. Amerman, I answered that question to Mr. Norton; as a matter of course, I will answer it again: I don't know where I did meet him in the room. He was standing up—I just remember that he was standing up—and I asked him to come to my room, and told him the number of it. He might have been outside of the bar, or he might have been inside.

Q.—Did you and Mr. Carter go up to your room together, or did you go first and he follow?

A.—Well, I am a little under the impression that he went up with me; but then, I am not positive about that. He either went up with me or followed immediately thereafter.

Q.—I understand you to say that when you arrived there, Mr. Eardley and his son were in your room?

A.—Yes, sir.

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Q.—And you requested them to leave?

A.—Yes, sir.

Q.—After the conversation was over, and Mr. Carter came out with you, or you came out with Mr. Carter, you say that you have no recollection of shaking hands with him, and making any remark to him?

A.—No; I might have shaken hands with him, but I made no such remark; because there was no secrecy of that character that would require me to make any such remark.

Q.—Are you acquainted with a man named Mott, who was up here as candidate for a clerkship of some kind?

A.—Well, there are two Motts here. I know one. There was one light haired man; from your county, I believe.

Q.—Yes, sir; that is the man?

A.—I saw him once or twice, but I have no acquaintance with him.

Q.—Did you see him at the time you parted with Mr. Carter, outside of your door?

A.—No, sir; I have not seen him since one time that I had—after it was declared a tie vote between Mr. Robinson and myself, and he came in and intruded himself upon myself and some gentlemen that were talking to me, and I said that I would give him a slap across the face if he didn't go away. I have not seen him since that time.

Q.—Was that previous or subsequent to that time?

A.—I didn't see him. I have got no acquaintance with him, at all.

Q.—Well, at the time you told him you would slap him across the face——

A.—I have not seen him since that time.

Q.—Did you see him when you parted with Mr. Carter, at the head of the stairs?

A.—No, sir; but I should not wonder if he would be conveniently around, to report anything that was wrong about me.

Q.—I don't know that he has reported anything about you in any manner or shape. I have not seen him myself.

Mr. Norton—Did you follow Mr. Carter from the door of your room to the head of the stairs, some twenty or thirty feet?

A.—I did not.

Q.—Did you go outside of your room when he left, at all?

A.—I think I went right to the door-jamb with him.

Q.—And there parted with him?

A.—And there parted with him; just right to the door.

Mr. Coggins—Mr. Brown, you spoke of Mr. Carter's candidate for the clerkship. Did he say anything about that candidate during this interview?

A.—No, sir, he didn't.

Q.—Did he ever say anything about that candidate to you?

A.—When?

Q.—At any time previous to that?

A.—Yes, sir. I have testified to that.

Q.—You were not explicit about that. You spoke with him on one or more occasions before that?

A.—Yes, sir; on one occasion.

Q.—I thought you said some of his friends had been to you?

A.—No, sir.

Q.—You said, I understood, that the next morning he asked you why you didn't come down to the hotel.

A.—Yes, sir.

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Q.—Where did that conversation occur?

A.—As I was passing him he volunteered to address me.

Q.—Here, in the building?

A.—Right at his seat. He asked me why I didn't come down, and I said I was otherwise engaged.

Mr. Norton—It seems a little singular to me, Mr. Brown, that you should be so devoted to a man you were unacquainted with, and be ready to go so far to aid him. Please explain to the committee what incentive, what motive you had in thus acting. Governor Booth is an entire stranger to you, personally?

A.—Yes, sir.

Q.—None of the San Francisco members have taken such a deep interest in it as you did. Please explain to the committee why it was.

A.—To answer that, I will ask you a question: Have you never devoted your time and very superior abilities to the success of a man whom you did not personally——

Q.—That is not an answer to the question.

A.—That is the only answer I can give. I thought he was the best man and I think you have made speeches often in Placer County for men you have never seen. I did this because I thought he was the best man; because all our San Francisco delegation were going for him, many of whom were my warm personal friends.

Q.—Had any of them ever said one word to you, either the San Francisco delegation or the Sacramento delegation, or members of the Legislature from other parts of the State, about your aiding them in this contest? Had any man ever asked you to do this thing?

A.—Why, I have been repeatedly importuned by the friends of Booth to do the best I could. I can't remember every one who did it.

Q.—Have you been by any one?

A.—Yes, sir.

Q.—Name one.

A.—Mr. Cowdery spoke as a friend of Booth's, and told me I must do everything I possibly could for him.

Q.—That is one man; who else?

A.—I have conversed with Mr. Estee about it.

Q.—Did Mr. Estee ask you also to do the very best you could for Governor Booth?

A.—Well, he may not have used those very words, exactly. I have known Mr. Cowdery since I have been a boy, and Mr. Cowdery has always been my friend, and he asked me to do what I could for Mr. Booth. It was very little I could do, as I had no vote.

Q.—Yes; did you go to any other person, any other member of either house, except Mr. Carter?

A.—Oh, yes; I spoke to Mr. Pishon, and asked him to support Mr. Booth. I spoke to several members; I disremember all the men that I spoke to.

Q.—Did you go to any other member of either house, and ask them to come to your room to have a private conversation with you, with the same motive?

A.—With the same motive?

Q.—Yes, sir?

A.—What motive is that?

Q.—To get the men to go for Mr. Booth?

A.—Well, I didn't know but what it was the two thousand dollar

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motive you were talking about. I don't know; I disremember; I might have asked men to come there.

Q.—If you had asked them, you would remember it, wouldn't you; and if they came?

A.—I don't think any man ever came to my room at my solicitation.

Q.—Except Mr. Carter?

A.—Except Mr. Carter.

Q.—Why was it, sir, that you insisted upon Mr. Eardley and his son leaving, if you were only there to talk with him in this casual way about Mr. Booth's success?

A.—Well, I did not know but what he might renew his request for this appointment, and if he did, I was prepared to place myself in a position to make him a promise to give him the appointment.

Q.—What led you to believe that he would renew his request, when he had not come to you, but you had gone and sought an interview with him?

A.—Well, I did not know but what he might; it was just a matter of chance; I did not know but what he might.

Q.—It appears you had solicited him to leave his place in the House and go to your room?

A.—Yes, sir.

Q.—That did not look much like he was asking you to appoint a man in your office that he would name?

A.—No; he did not do it at that time. Outside of those considerations, I was anxious to talk with him and use my utmost endeavors to get him to vote for Mr. Booth.

Q.—Then your sole idea was, in getting him up there——

A.—Was to have a private conversation with him and ask him if he would go for Booth.

Q.—What was the necessity of any privacy or secrecy in this open matter—this open remark that you made to him, you could say that to him anywhere?

A.—Well, I expect, probably, that I was induced to do it because our conversation might be interrupted by persons standing in the immediate vicinity, and on such things as earnest solicitation to go for a person, I think I can do it a little better in private than with every person listening to me.

Q.—You had no fear of Eardley and his boy interrupting you; he is a quiet gentleman, is he not.

A.—Well, yes; he would never bite any one.

Q.—You was not afraid that he would interrupt you, even if he remained in the room?

A.—No, sir.

Q.—Then why did you desire him to leave, if that was all?

A.—No other reason than what I have said. I thought I could converse more freely with him, and in the event of him renewing a request to have an appointment in my office, I could more readily talk with him in the event of him saying——. I reasoned in this way: in the event of him saying, "Well, I have made a request of you——." This is the way I reasoned when I brought him up there: that in the event he would say, "Well, I have made a request of you; now you make a request of me, without granting mine;" if he would say that, I would in all probability have said, "Well, I am prepared to grant your request."

Q.—You would give a clerkship in your office for a vote for Governor Booth?

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A.—Well, I don't think it is putting it exactly on that ground.

Q.—On what ground could you put it, Mr. Brown, and do justice to yourself?

A.—I don't estimate it would be an absolute trade. It would be putting me in a position to be obligated to him, and him in a position to ask a favor from me.

Q.—Your supposed case would make an absolute trade, according to my judgment.

A.—Well, I don't think so.

Q.—Supposing that you induced him to come up in the office, so he would renew his request, and you say: Here, you ask me to do what you desire and I will grant it. Wouldn't that be an absolute trade?

A.—Well, you——

Q.—He promising to vote for Governor Booth, and you promising to put a man he should name in the office?

A.—I differ with you, because I might accede to his request and he not accede to mine.

Q.—You were prepared to grant it?

A.—I was prepared to accede to his request, and if I then could not induce him to go for Mr. Booth, and if he did not accede, I would have to fulfill mine anyhow.

Q.—What brought gold notes into your mind?

A.—I said if had two thousand dollars, I would pay it down in gold notes to insure Governor Booth's election.

Q.—Have you been in the habit of handling gold notes or gold coin?

A.—Well, no; but the last few notes I have handled I thought they looked so much better than twenty-dollar pieces that I wanted to show my enthusiasm in the cause. They are so much prettier than gold.

Q.—You thought that would reach him, if anything would?

A.—Yes, sir.

Q.—No one had offered you any gold notes to use?

A.—Not a cent in the world. I am just dead cold positive on that, and that I had not ten dollars in the world of my own.

Mr. Coggins—Did you have possession of any money belonging to anybody else?

A.—I had possesion of no money, either belonging to myself or anybody else, at that time.

Q.—Either here or in San Francisco?

A.—Either here or in San Francisco.

Mr. Norton—Gold notes are a good deal handier to carry than twenty dollar pieces?

A.—Yes, sir; yes, sir, though I don't find much difficulty in carrying the few twenties that I am able to get hold of; I didn't have much of either.

Mr. Coggins—Did you say to Mr. Carter, in that interview, that he would not be asked to vote for Mr. Booth that day?

A.—Oh, nothing of the sort.

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TESTIMONY OF J. C. CARTER—(RECALLED.)

J. C. CARTER, recalled:

Mr. Amerman—Mr. Carter, will you be kind enough to state to the committee, in brief, just exactly what transpired between you and Mr. Brown, from the time that he came into the Assembly Chamber, and asked you to come to his room?

Answer.—Well, sir, I was sitting in my seat in the Assembly Chamber, when Mr. Brown came in; I remember that distinctly, and reading a newspaper. He stood just between my seat and yours, and, if I mistake not, spoke to you in the first place, and then said "good morning" to me, and I looked up and said "good morning," and, having only a casual acquaintance with him, went on reading my newspaper; and then he stooped down and asked me to come up to his room, No. 72, as soon as the roll was called. It was then within a few minutes of eleven o'clock; he said he had a matter of business to talk about to me; he took a step off, and then returned and asked me not to forget the number (72); I told him I would not, and as soon as I answered to my name I went up to his room; he was sitting at the table; Mr. Eardley and the boy were present; I asked him what he wanted with me; he spoke to Mr. Eardley and asked him to leave the room, as he had a matter of private business with me; Mr. Eardley said, "certainly," and got up to leave; and the boy was remaining, and he asked him to go also, and he went out; and Mr. Brown then gathered a couple of chairs and took them to the back part of the room; there was a table in the back part of the room, and set them down there, and asked me if nothing could induce me to go for Mr. Booth; I told him no; he asked me if there was nothing that could induce me to go for Mr. Booth, and I told him no, that I was a Republican, and sent there by Republicans to the Assembly, and I could not go for Mr. Booth. "Now," says he, "I am deeply interested in the election of Mr. Booth, and if you will vote for Mr. Booth, and I will not ask you to do it today, but some other time when you are called upon, I will place two thousand dollars in gold notes in your hands, and nobody will ever know anything about it. The most of your delegation are going for Mr. Booth, and you will stand well with them if you do it." I told him that there was no use in talking to me; I was a Republican, elected and sent there by Republicans, and I could not do it. He stood up and said, "I am not going to take this for a final answer. Where do you room?" I told him I roomed at the International Hotel; he then asked me when I would be there; I told him that I was usually in between five and six o'clock; he said he would call and see me; I told him he might do it, as he wished to; it would do him no good; he followed me to the head of the stairs, and said: "Mr. Carter, now remember, this is on honor between gentlemen." Before he had offered this two thousand dollars in gold notes, he had said about the same thing to me, that this was on honor. But, so far as asking him for anybody else, about this place, for anything, for a friend of mine, or for myself, I have never done it to him or anybody else.

Q.—Mr. Carter, did you have any friend that you desired to get a position for in the Enrolling Clerk's office?

A.—No, sir.

Q.—Did you ever ask Mr. Brown for the position?

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A.—And that is what astonished me; when that came out when he was testifying. I was so surprised.

Mr. Norton—The substance of your testimony, I understand, Mr. Carter, is just about the same as was given last night?

A.—Yes, sir; I had no feeling in this matter at all, and as I told you last night, I very much objected to getting into this matter, and I only tell exactly what occurred; yes, or no.

Q.—He did emphatically offer you money if you would vote at some day he would name?

A.—Yes, sir.

Q.—I believe you said that he said he didn't care to have you vote that day?

A.—He said I would not be called on to vote that day.

Q.—But the next day, as I understood your testimony; the next day?

A.—No, I don't remember that he said the next day. What I remember distinctly is, that he said I should not be called on to vote for Mr. Booth that day.

Q.—But when you did, if the arrangement was completed, that he would put two thousand dollars in gold notes in your hand?

A.—Yes, sir. I understand that he was to place two thousand dollars in gold notes in my hand, if I consented to do it. The money was to be paid immediately. He said nobody should ever know anything about it. It was just to be between him and me, and I would stand well with my people, as the most of my people were going for Mr. Booth.

Q.—You have heard Mr. Brown's testimony?

A.—Yes, sir.

Q.—From his testimony to-night, as given before this committee, do you believe that Governor Booth, or any of his friends, knew anything about this proposition that he made to you?

A.—I can't say that I have any reason to believe anything of the kind.

Q.—You heard the man's statement?

A.—Yes, sir.

Q.—And those statements must be reckless, if you didn't go to him to get the position for a friend of yours in that office?

A.—Yes, sir.

Q.—It never suggested itself to you that he would so state?

A.—No, sir.

Q.—And that is what astonishes you?

A.—Yes, sir.

Q.—Then you must lack entire confidence in the man?

A.—Yes, sir; I certainly do.

Q.—And in regard to this Campbell affair?

A.—I remember that it was he who came to me. Mr. Campbell introduced him to me, and Mr. Brown told me there was a Senator he could get, who had told him he could use his name to forward his object in the Assembly Chamber, and he thought he could get two more; and Mr. Campbell, as I understood it, would need two or three votes to be elected Sergeant-at-Arms of the Senate. I told him if he could be of any assistance to my friend, Mr. Campbell, that I would give him my support. I afterwards learned through Mr. Campbell that he could be of no assistance to him, and I went to him and told him that I didn't consider myself bound by the pledge I had given him. He said he thought it was pretty hard, after doing what he could—trying to do all he could do—for Mr. Campbell, to lose my support. I told him I would not say I would not go for him, but I would not consider myself bound.

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Mr. Curtis—That was when Mr. Brown was going for the position of Enrolling Clerk?

A.—Yes, sir; Mr. Brown was to get Senators to vote for Mr. Campbell, and I was to vote for Mr. Brown.

Q.—Did you vote for Mr. Brown?

A.—Yes, sir; all the way through. I didn't know Mr. Brown. I was introduced to his opponent, Mr. Eardley.

Q.—What do you know about his arrangement with Eardley to divide up the office?

A.—I never heard of it until last night.

Q.—And you say positively that he followed you close to the head of the stairs?

A.—Yes, sir; and I know a man that stood close to the head of the stairs, but whether he will remember the matter, I don't know. I have disclosed to a member of the committee the name of the party.

Q.—You are willing to disclose the name whenever the committee send for you and desire it?

A.—Yes, sir; I am anxious to do it, because I want to see if that man will remember the remark; that he followed me to the head of the stairs and said, "this is on honor between gentlemen."

Q.—You have nothing to add to your testimony of last night?

A.—No, sir; nothing.

Q.—You saw no money?

A.—No, sir.

Q.—And the whole matter is just as you have stated?

A.—It is just as I have stated. I believe just as I have said.

Q.—It does not change your notions about it at all since you have heard his testimony?

A.—Not a particle.

Mr. Curtis—And you are positive that there was no negotiations between you and him?

A.—Quite. As I said before, I never dreamed of it; I never had anybody here that I wanted a position for.

Mr. Norton—You had no friend that you were seeking a position for?

A.—No, sir; I was not interested in any friend that I wanted a position for. I am a stranger here, and don't know many.

Q.—And none came with you from your county?

A.—No, sir; this man, Mr. Campbell, went home to Marysville before the election was decided. He gave up the contest and went home, satisfied that he was beaten.

TESTIMONY OF MR. MORGAN.

Mr. Morgan, called, sworn, and examined:

Mr. Summers—Mr. Morgan, I would state that the object of this investigation is in regard to the alleged frauds and corruptions charged against certain undesignated members of the present Legislature in regard to the late Senatorial election. If you know anything about it, will you state it to the committee?

Answer.—Yes, sir.

Mr. Norton—Mr. Morgan, you were here during the contest?

A.—Yes, sir.

Q.—One of the members of the House?

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A.—I think so.

Q.—During the contest for Senator for the long term, at the late election, did any person or persons meet you with any proposition to vote for Governor Booth, or any other candidate?

A.—They didn't, to my recollection.

Q.—Would you recollect it, if such a thing had occurred?

A.—I should be very apt to.

Q.—Well, could you have forgotten?

A.—Well, I don't think I would.

Q.—Don't you know yourself whether you would remember an occurrence of that kind, so recent?

A.—I said once, that nobody had approached me; I had no recollection of anybody approaching me with that view.

Q.—Well, it is important to know, now, if you would recollect it if it had occurred?

A.—Well, I don't seem to recollect it, that anybody approached me. I am aware that, during the contest, all the members, more or less, were approached—that is, legitimately. I received several letters, several dispatches, some encouraging me to to vote for Booth, and some to maintain the regular ticket; but I was not approached, either by letter or verbally, with any improper inducement.

Q.—During the contest, or since, have you heard of anybody that was offered money, gold notes, bank checks, or anything of value, to vote for Governor Booth, or for any other man, for United States Senator?

A.—I have not.

Q.—No such offer, you say, was made to you?

A.—No, sir.

Q.—No man approached you, talking about that, did they?

A.—No, sir, not that I recollect of.

Q.—Well, if a man had approached you and offered you one thousand dollars for your vote, or two thousand dollars for your vote, in gold notes, wouldn't you recollect it?

A.—I would have been very apt to.

Q.—Well, could you have forgotten it.

A.—I should not suppose I would.

Q.—Well, don't you know whether you would remember it or not?

A.—I said distinctly——

Q.—That you don't recollect it?

A.—That I don't know that anybody approached me in a mercenary point of view.

Q.—You say you don't know?

A.—I know they did not.

Q.—That is an answer; that is what I was working for. You say now nobody approached you. Did they say anything to you about it?

A.—I don't recollect that they did.

Q.—Who approached you during that contest with these letters—by letter or by telegraph? Who had personal interviews with you, urging you to vote for Governor Booth, and where were those interviews held?

A.—There was a young fellow by the name of McGowan, that was very anxious for me to vote for Governor Booth.

Q.—Is he Clerk for the Judiciary Committee?

A.—Yes, sir, I think he is; and he approached me several times, ask

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ing me to support Governor Booth, and used all sorts of arguments legitimately, but nothing by way of inducement.

Q.—No promise of reward, place, or position?

A.—No, sir.

Q.—Or money, or anything of value offered you?

A.—No, sir.

Q.—Where did he hold his interviews with you?

A.—I saw him several times—took dinner with him at the French House. He met me at the Golden Eagle once or twice, came to my desk in the Assembly once or twice, and was very anxious.

Q.—Where were you rooming at that time?

A.—At the Golden Eagle.

Q.—Did he come to your room at the Golden Eagle?

A.—I don't remember that he did.

Q.—How did you come to go and take dinner with him; upon his invitation?

A.—Upon his invitation; yes, sir.

Q.—How many times did that occur?

A.—Twice.

Q.—The subject conversed about each time was Governor Booth's election?

A.—Governor Booth's election.

Q.—At both interviews?

A.—Both interviews.

Q.—He held out no promise to you, you say?

A.—Not the slightest.

Q.—Offered no inducement?

A.—Nothing of the kind.

Q.—Who else did you converse with about it—that is, who urged you in this manner?

A.—Well, Senator Turner, from our own county, thought that I had better vote for Mr. Booth.

Q.—Did he offer you any inducement—hold out any inducement?

A.—Nothing, any more than he thought I would ingratiate myself in favor amongst my constituents by so doing.

Q.—Urged as a reason that your constituents were favorable to Governor Booth?

A.—Some of them.

Q.—Some, or a majority?

A.—Well, I don't know.

Q.—He could not urge very plausibly that the minority was in favor of Governor Booth?

A.—Minorities rule sometimes.

Q.—Well, could he make that as a basis why you should support him, in order to ingratiate yourself with the minority?

A.—To become popular—I suppose he might.

Q.—You suppose he might?

A.—Yes, sir.

Q.—You would not like to become popular with the minority, I suppose, merely; that is what you are seeking?

A.—Yes, sir; I suppose, to be popular with the majority, in all events would be best, and to be popular with the minority would do no hurt.

Q.—Are Mr. McGowan and Mr. Turner the only parties that urged you to vote for Governor Booth?

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A.—I was trying to think. I guess perhaps there was a hundred spoke to me.

Q.—There was a great deal of pressure brought to bear upon you?

A.—Yes, sir; considerable.

Q.—At any time during the contest, either there or here, was any inducement such as I have named, to wit: money, either gold or gold notes, bank checks, drafts, or anything of value, offered to you to vote for Governor Booth?

A.—No, sir.

Q.—Or for any other Senator?

A.—No, sir.

Q.—That you are positive about?

A.—I am very positive.

Mr. Curtis—How long were you here, Mr. Morgan, before the House organized?

A.—A week or ten days.

Q.—Did you make many acquaintances here during that time?

A.—Not many.

Q.—About how many new acquaintances that you didn't know before?

A.—Well, I declare I could not say; I made somewhere from one to one hundred.

Q.—Did you get acquainted with Tom Nosler during that time?

A.—No, sir.

Q.—Do you know him now?

A.—No, sir.

Q.—Have you ever met him?

A.—Not to know him.

Q.—In those letters you have received, Mr. Morgan, was there any promise or any inducement contained in those letters, aside from mere friendship, political friendship, for the candidate for the United States Senate, any other reasons held out to you why you should vote for him?

A.—No, sir.

Q.—Nothing of the sort?

A.—No, sir.

Q.—Did you ever receive any threatening letters?

A.—I received one letter whose tone I thought was rather threatening.

Q.—Well, what was the threat?

A.—I didn't pay much attention to the letter. I just ran it over very carelessly, and, by the way, I gave it to this same McGowan. It was placed in my hands at the time he was talking to me, and I just glanced over it and I gave it to him, and he requested me to let him take that letter, that he wanted to see it, and I had no objection. What he done with it I don't know. He said he took it to Governor Booth. I think he said at the time he wanted to show it to the Governor.

Q.—How many letters of that kind did you receive, Mr. Morgan.

A.—Only one.

Q.—And it was a threatening letter?

A.—Rather so.

Q.—And you gave it a casual glance; just ran over it?

A.—Yes, sir.

Q.—Are you in the habit of receiving threatening letters?

A.—No, sir.

Q.—Then why, when you received a threatening letter, did you give it only a casual glance and pass it over to somebody else.

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A.—Because he was standing by me, and I expected him to read it and hand it back, and he did hand it back just as I was getting in the coach with Governor ——, and I pulled it out of my pocket, and he said let me have it, and he took it and has had it ever since.

Q.—Did you feel no anxiety concerning your personal safety to cause you to look out?

A.—I don't scare very easy.

Q.—What was the character of the letter?

A.—I could not tell you the contents, or much of the contents.

Q.—You received a threatening letter and don't remember what it contained?

A.—I believe it said, "Woe be to the man that didn't vote for Mr. Booth."

Q.—It reminded you of your duty—what might befall you hereafter; but was there any threat in it?

A.—No, sir; I think not.

Q.—Do you remember the exact language of that letter?

A.—No, sir.

Q.—Would you if you heard it.

A.—I could not say.

Q.—Was there anything said about your scalp?

A.—I believe the word scalp was not in the letter. I don't recollect positively; it may be, but if it was it has passed my memory.

Q.—Was anything said about your head?

A.—I don't know, but I guess not.

Q.—Anything about the top of your head?

A.—No, sir.

Q.—Did it threaten anything about your head?

A.—I guess my head was all right.

Q.—If it didn't say anything about your head, what was it about?

A.—It was rather foreshadowing a man's political aspirations. I didn't have any, and consequently didn't pay much attention to it.

Q.—Threatening your aspirations, politically?

A.—Yes, sir.

Q.—How many letters of that kind did you receive?

A.—Only one.

Q.—Where from?

A.—From San Francisco.

Q.—How many letters did you receive from San Francisco as to Governor Booth, or any other candidate?

A.—Only one.

Q.—Mr. Morgan, do you know, or did you know, of an agreement by which fifty thousand dollars was to be paid for four votes?

A.—No, sir.

Q.—Well, if you didn't know anything about it of your own knowledge, did you hear anything about it?

A.—It seems to me I have a faint recollection of a rumor that was current that there was fifty thousand dollars to be expended on this election; but I have no authority. Where it came from, I could not say—just simply bar-room gossip.

Q.—You heard that as a rumor?

A.—Yes, sir.

Q.—Do you remember where you first heard it, and who it was that first spoke of it?

A.—No, sir.

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Q.—You cannot remember?

A.—No, sir.

Q.—Well, didn't that attract your attention somewhat?

A.—No, sir.

Q.—That there was fifty thousand dollars to be used in the election?

A.—No, sir.

Q.—Didn't you think it a little strange that fifty thousand dollars was to be used to elect a man to the United States Senate?

A.—Nothing very strange, if a man has any political history in his mind; knowing that such rumors have been attached to all the Senatorial contests in this State, with the exception of one or two, and consequently I didn't pay any attention to it.

Q.—And, therefore, when the people were so excited and determined that it should not exist here, did you give that thing no heed—pay no attention to it?

A.—Not particularly; for it might have been just idle words.

Q.—It may have been, but you was directly interested in it from the fact that you were a legislator.

A.—Certainly.

Q.—And if fifty thousand dollars was to be used, it was your duty to look out and see if bribery was to be used.

A.—Well.

Q.—And you paid no attention to that rumor?

A.—No, sir.

Q.—Could not state where it was?

A.—No, sir; it might have been in the Capitol or the hotel.

Q.—How long before the Senator was elected; how many days?

A.—I could not tell you anything about it.

Q.—Did the rumor state how many votes were needed at that time?

A.—No, sir.

Q.—What was the rumor you heard, Mr. Morgan?

A.—Well, I have an indistinct recollection that the rumor was that there was fifty thousand dollars to be used in this election for the purchase of votes. This is my own language—votes for Booth for the United States Senate.

Q.—You heard that?

A.—Yes, sir.

Q.—Now, when you first heard that, didn't it excite your curiosity?

A.—It might have come right from one of the Houses, or the Senators, I don't know.

Q.—Did you hear it talked of afterwards?

A.—No, sir.

Q.—Never heard anything more of that?

A.—No, sir.

Q.—I believe you was at roll call, in the joint convention, Mr. Morgan?

A.—Yes, sir.

Q.—And you voted?

A.—Yes, sir.

Q.—Just before you went into joint convention, or before the Senators entered the Assembly chamber, did you have a conversation with any member of the House in reference to your vote—how you were going to vote?

A.—Well, I declare, I can't say now whether I did or not. It seems to me I did at one time; whether on the final vote or not, I can't say.

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Q.—The day before the final vote, did you have a conversation with any member of the House?

A.—I don't recollect that I did; I might, with several; I don't know.

Q.—Did you have a conversation with a member of the House, on the day of the election for the long term, just before the Senators came into the hall—the Assembly hall?

A.—I don't know that I did, with any particular one.

Q.—How did you vote in the election, Mr. Morgan?

A.—Voted a straight ticket.

Q.—Which one of them; I would like to know?

A.—The Republican.

Q.—Did you state to anybody, Mr. Morgan, that you would vote one time more for the straight man, or for the straight ticket, or for the nominee of your party, but that after that you were not controlled by party; that the people seemed to be in favor of somebody else?

A.—I may have said so; I don't deny it, but I have no recollection of it; I am rather inclined to think I didn't.

Q.—To a member who occupies a seat within ten feet of you?

A.—Yes, sir.

Q.—Did such a conversation as that take place?

A—I have no recollection of any conversation of that kind.

Q.—Did you ever hear any member of the House say, that if fifty thousand dollars was to be used, he intended to have his portion of it; if so, who was it?

A.—I never heard anybody make such remark.

Q.—You never heard any member say that?

A.—No, sir.

Q.—Did you ever hear anybody say, if not addressed to you, in your presence, that there was fifty thousand dollars could be used, and any man who would not get his portion of it, was a d—d fool?

A.—I have no recollection of it.

Q.—Now, wouldn't you remember that, if it had occurred?

A.—I think so.

Q.—Well, did it occur?

A.—I have no recollection of it.

Q.—You think you don't recollect anything of the kind?

A.—No, sir.

Q.—And the fifty thousand dollars you have no recollection of—except you think it was a rumor?

A.—Yes, sir.

Mr. Coggins—Was there any signature attached to that threatening letter?

A.—Yes, sir; there was.

Q.—Do you remember what the signature was?

A.—It was Merritt—I remember the signature.

Q.—Was that any of your acquaintances?

A.—Yes, sir.

Q.—It was a genuine letter and signature?

A.—Yes, sir; It was in his handwriting.

Mr. Curtis—Mr. Morgan, that is the letter, is it? [Handing witness letter.]

A.—Yes, sir; I think it is.

Mr. Norton—Where has it been, Mr. Morgan, since?

A.—With Mr. Bullock.

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SAN FRANCISCO, December 15th, 1873.

HON. WILLIAM MORGAN:

DEAR SIR: From the latest news from the Capital, the election for United States Senator is waxing warm; I wish to write you a few lines concerning the coming event. The sentiment of the people—*the working classes*—is in favor of Booth *strongly*. Of course, you will have to listen to many that are opposed to Booth, but heed them not, but bear this in mind: Woe be to any member of the House or Senate, who does not give his entire support to Booth. He will be *marked* at any future election. The People's and Workingmen's Party *must* and *will be* the dominant party—let Stanford and Carr do their damnedest. Hereafter, you will aspire to a higher position than you now hold; but, mark my words, if you do not do everything in your power for Booth, *you* will be damned for *any* position. Use every means to elect Booth. We, the people, want him for United States Senator, and must have him. Let me hear from you soon, and give me any items of interest.

Yours, very truly,

STEPHEN F. MERRITT.

Direct to S. F. Merritt, 111 Liedesdorff street, San Francisco.

TESTIMONY OF W. S. M. WRIGHT.

W. S. M. WRIGHT, called, sworn, and examined:

Mr. Summers—Mr. Wright, I will state that the object of this investigation is to investigate the charges of alleged fraud and corruption, made against the honor and honesty of undesignated members of the present Legislature, in regard to the late Senatorial contest; if you know anything in regard to the matter, you will please state it?

Answer—Any particular member, did I understand you to say?

Q.—Any undesignated member?

A.—I don't know that I know of anybody having been offered anything to vote either one way or the other. There was a gentleman stated to me, during the time the election was going on, that he was here for the purpose of procuring votes, but he was not a member.

Mr. Norton—What time was that, Mr. Wright; how long before the Senator was elected?

A.—It was either the first vote after the joint convention, or the second; I am not positive which it was.

Q.—Where did he meet you and tell you that?

A.—He came into my room, after I had gone to bed.

Q.—Where were you then stopping?

A.—I was stopping at Mrs. Lull's.

Q.—How did he find out where your room was?

A.—Oh, he had been up here before that.

Q.—You were acquainted with him?

A.—Yes, sir.

Q.—Where was the man from?

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A.—San Francisco.

Q.—Had he said anything to you about the Senatorial election before this night?

A.—He had a talk with me before that.

Q.—Do you remember whether you had or not?

A.—Oh, yes; I and he had a talk, probably a week previously.

Q.—About what time was it that he came into your room?

A.—Oh, I suppose nine or ten o'clock—just after the train came up.

Q.—You had not yet gone to bed?

A.—I was in bed.

Q.—Just tell the committee what he did say, according to your recollection.

A.—I think, when he came in, I laughed at him and wanted to know what he was after—that is my recollection now—and he said he had been called here. Said I, I reckon you are looking after votes. He asked me then, after the conversation, after awhile—no, I am a little fast. I told him I believed votes had got to be in pretty good demand. He said that he supposed they were. I told him I understood, night before that, there had been three thousand dollars offered for a vote, and I don't recollect what answer he made to that, but during the conversation he asked me. He stated that he was here to help some poor men, and he asked me if I thought it would be safe to approach a certain gentleman, and I told him I thought not; that I thought I would rather it would be him than me.

Q.—What did he say to you further?

A.—Well, we had considerable conversation, but he made no proposition. He didn't come to me to make a proposition. I didn't suppose he did.

Q.—What was the man's name?

A.—His name was McNamara.

Q.—Was you acquainted with him before you came here this session?

A.—Oh, yes, some time.

Q.—You got acquainted with him in the city?

A.—Yes, sir.

Q.—You say you told him that you heard somebody was offered three thousand dollars for a vote?

A.—Yes, sir; I was told that the night before.

Q.—Who told you that?

A.—I think Mr. Dixon told me he had heard there was an offer of about that amount made. He didn't say he knew it, but he had heard it.

Q.—Who was the man that was offered three thousand dollars?

A.—I don't know.

Q.—He didn't tell you?

A.—I didn't ask him.

Q.—Did you ever learn?

A.—No, sir. I never inquired anything further about it.

Q.—Did Mr. Dixon speak to you about something of his own knowledge, or what he had learned?

A.—He had been so informed. He didn't speak from his own knowledge.

Q.—What did this man say about the price?

A.—He said, he supposed in case of emergency, he didn't think that would be high.

Q.—If the contest became close?

A.—If the case would justify it, he thought it wouldn't be high.

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Q.—Was he talking to you in a spirit of candor and fairness, as though broaching a business matter?

A.—I was drawing him out and laughing.

Q.—Pretty shrewd sort of a man, is he?

A.—Oh, yes, sir.

Q.—Was he not there rather for the purpose of drawing you out?

A.—No, for we had talked the matter over before.

Q.—Yes, but it appears he had to give you some information concerning another man?

A.—There was a member, he said he supposed he was rather in needy circumstances. The words he used were, he was a poor man, and he wanted to know if he could approach him.

Q.—What member is that?

A.—Well, I don't know whether that man is in the case or not.

Q.—The question is in the case?

A.—Well, it was Mr. Northcutt.

Q.—Mr. Northup has already been in the case. He said Mr. Northcutt was in needy circumstances?

A.—Well, he supposed he was. He understood he was not a man in very wealthy circumstances.

Q.—You was an avowed opponent of Governor Booth's, was you not?

A.—Of course. I didn't vote for him.

Q.—And he was talking with you, and wanted to get votes for Governor Booth?

A.—Yes, sir, I understood so.

Q.—And working in his interest?

A.—Yes, sir.

Q.—Why should he come to you, you being an opponent? If he had conversations with you, in which he found out that he could not change you, why should he lay his hand bare to you in that form?

A.—That would be a question that he could answer better than I could. I suppose, because we were pretty well acquainted.

Q.—When did you first disclose this fact to anybody at all?

A.—The next morning, I guess.

Q.—Who did you tell of it?

A.—I told Mr. Dixon, I think.

Q.—Did you ever talk to Mr. Northcutt about it?

A.—I did not for several days.

Q.—Until after the contest was over?

A.—I did not.

Q.—You went on your way, and let the contest go on?

A.—I don't know that my opinion is in the case.

Q.—When you did talk with him, what did he say?

A.—He said, it is very well you didn't.

Q.—The man didn't approach him at all?

A.—I advised him not to. I told him I thought it wouldn't be necessary.

Q.—Did he say that he had anything of value, money, check, or draft, to offer to him, Mr. Northcutt, or to you, for a vote?

A.—Well, I have stated all that he said.

Q.—Well, please answer that question?

A.—No, sir; he didn't say that he had any money.

Q.—Or anything of value?

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A.—That thing was not spoken of, to my recollection. I told him, at the same time, that I understood Jones was in San Francisco, and, in fact, I heard he was here.

Mr. Norton—So had I.

A.—I told him I didn't know him, but it was reported that Jones was in San Francisco, and it was reported that he was here, and I understood that he was a particular friend of Governor Booth's, and, if he took a notion, it was no knowing what he might do.

Q.—Jones did not come here at all?

A.—Not that I know of.

Q.—This is mere rumor?

A.—It was just rumor. Yes, sir.

Q.—That is all you know about it, is it, Mr. Wright? If there is any other fact that you know, please state it?

A.—Well, that is not all I know, from his statements, altogether. I don't know of his having paid any money, or agreed to pay any money; but he told me the morning afterwards, or the second morning afterwards, that he had a man that was going for Governor Booth.

Q.—Did he say how he got him to go for Governor Booth?

A.—I don't think he did, just at that time.

Q.—Did he at any time after that?

A.—After that, just after the Governor was elected, in the hotel, there he said to me, when I met him, he said: My man was a little too slow. He said, such things will happen. He said, sometimes men lost a good thing by being a little too slow. He told me the next ballot his man was going for the Governor; but he said he missed it, for the Governor is elected without him.

Q.—Did he tell you what he was to give him?

A.—No, sir; he didn't say he was to give him anything; but he said men lost a good thing, sometimes, by being too slow.

Q.—Didn't name what the good thing was?

A.—No, sir.

Q.—He seemed to have made a confidante of you in all these transactions?

A.—Yes, sir; he seemed to select me for a confidante.

Q.—You being on the other side of the house, too?

A.—Yes, sir.

Mr. Curtis—He said his business up here was to get votes?

A.—Yes, sir.

Q.—And also said he came up to help poor men?

A.—That was the way he talked when he spoke of this particular man; and he said, further, that he would help some poor man if it would get votes.

Q.—Did he say how he would help him?

A.—That is all the words he used.

Q.—He would help some poor man if he would get votes?

A.—He didn't use the word money.

Q.—That is the general way of helping poor men?

A.—No; he is pretty smart; he was not going to put his foot in it if he could help it.

Q.—He was not going to put his foot in it that way?

A.—No, sir.

Q.—And in the conversation with you, Mr. Wright, didn't he state that some man had been in time and had not lost a good thing. Did he lead you to understand that any man had procured this good thing?

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A.—He told me another gentleman was going for Governor Booth; but he didn't speak as if it was by his influence in any way.

Mr. Coggins—What do you say his name was, Mr. Wright?

A.—Mr. McNamara.

Q.—What is his business?

A.—He has followed teaching school for some time.

Q.—What?

A.—Teaching school.

Q.—In San Francisco?

A.—Yes, sir.

Q.—Had you known him before? How long had you known him?

A.—Well, the first time I saw him was about eighteen hundred and sixty-six; I didn't make his acquaintance then; I have been tolerably well acquainted with him for the last few years.

Q.—Is he in a position to have money of his own to spend freely?

A.—Well, I did not think so; I do not think he has a great deal of money ahead.

Q.—Did he speak as if representing anybody particularly—as if he came up at the instance of any person?

A.—I think probably he had been requested to come up here; that was my understanding.

Q.—Did he say anything of that kind—that he had been?

A.—Yes, sir; he said he had been summoned to come immediately here.

Q.—Did he say who by?

A.—I do not think he said who by, although I understood by whom—not by anything he said, though.

Q.—Who had he been summoned by?

A.—He showed me a dispatch.

Q.—What were the contents of the dispatch?

A.—The contents, I think—well, it was a bad light—as well as I could read it, was to come immediately.

Q.—Who was it from?

A.—The name to it was Hart.

Q.—Any first name.

A.—There was no first name to it.

Q.—Was there any one present in the room when this conversation took place, except you two?

A.—My son was in there.

Mr. Norton—Mr. Wright, did he tell you that he was a friend of Governor Booth's?

A.—Yes, sir; oh, yes, sir; he said he was a friend, and felt very much interested in the election.

Q.—Did he hold out any inducement to you at any time, except to use argument with you, to vote for Governor Booth?

A.—No, sir.

Q.—And came to you and laid these plans all before you, knowing you were going to vote the straight Democratic ticket?

A.—I told him previously I was going to vote the straight ticket; but also, previously to the election, I told him I had no objection to Governor Booth being elected, and I don't know but I told him, the first time he was up here, that it would not hurt my feelings if he was elected.

Q.—But at the time he had this conversation with you in the night, he knew that you were going to support Mr. Farley?

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A.—Yes, sir.

Q.—If there had been a wrong motive, a bad motive, he would not have been likely to unfold it to you, you being on the other side?

A.—I don't know if he would, knowing me as he does.

Q.—Do you know that he was a friend of Governor Booth's in the fight?

A.—Oh, I know from his statements. I can't know anything farther.

Q.—How old is your son?

A.—Nineteen.

Q.—Is he now in the room?

A.—Yes, sir.

Q.—He is in the room here now?

A.—Yes, sir.

Q.—Was with you at the time?

A.—He had not went to bed. He was sitting up reading.

Q.—The conversation was open there, in the presence of your son?

A.—Oh, yes, sir.

Q.—Was there anybody by when he met you in the hotel, when he spoke about this man having been too slow?

A.—Not that I recollect of that would notice the conversation.

Q.—They were passing in and out as usual there on the steps on such an occasion?

A.—Yes, sir.

Q.—He must have referred, then, to some other man than Nr. Northup; because you tell us that you had a conversation with Mr. Northup, and he told you that he had not approached him?

A.—Yes, sir. He told me at the time the man's name; but I, being a stranger to all the members, I don't recollect the name.

Q.—It was not Mr. Northup?

A.—No, sir.

Q.—Did he claim that he was in needy circumstances, too?

A.—No, sir; he only said that a man, by being too slow, sometimes lost a good thing.

Q.—At the time he said he had procured a man, he didn't say whether he had procured him by argument, or how?

A.—I think I asked him how he got along getting votes.

Q.—And you opened the conversation there in the room about the votes for Governor Booth?

A.—I commenced laughing at him as soon as he came in, and asked him if he was looking for votes.

Q.—So that really you opened the conversation on both occasions?

A.—Yes, sir.

Q.—Alluding to the Senatorial fight?

A.—Yes, sir.

Mr. Curtis—Mr. Wright, was there anything else in that note except "Come immediately?"

A.—That was all.

Q.—Anything about paying expenses?

A.—No, sir.

Q.—Did you have any subsequent conversation with him in reference to his expenses being paid, and why he was up here, knowing his condition?

A.—I didn't ask him anything in regard to that at that time.

Q.—Why, did he show you the dispatch at the room there?

A.—Yes, sir; he just handed it to me in the room there, and I read it.

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Q.—Did he say whether he saw Hart that night when he came to see you?

A.—I don't recollect whether I asked him.

Q.—Did he come right from the train to your room?

A.—It could not have been very long, because it was between nine and ten when he came in there.

Mr. Amerman—I move we take a recess for ten minutes.

The motion was carried.

At nine o'clock the committee reassembled.

TESTIMONY OF S. B. WRIGHT.

S. B. WRIGHT, called, sworn, and examined:

The Chairman—Mr. Wright, the object of this committee is to investigate certain alleged frauds, charged against the honor and honesty of undesignated members of the Legislature in the late Senatorial contest. Please state to the committee what you know concerning it, or answer such questions as the gentlemen may deem proper to ask you.

Mr. Norton—Were you present with your father at the time Mr. McNamara called to see him from San Francisco?

Answer—Yes, sir.

Question—About what time in the night was it?

A.—I presume it was between nine and ten o'clock.

Q.—How long have you been acquainted with this gentleman named McNamara?

A.—I never saw him until he came up here during the Senatorial contest.

Q.—Had you seen him before this night that you met him at your father's room?

A.—Yes, sir; he was up here once before that time—him and his wife.

Q.—Your father has been acquainted with him for some time?

A.—Yes, sir.

Q —You had not made his acquaintance before?

A.—No, sir; I never saw the gentleman that I remember of until he came up here during the Senatorial contest.

Q.—You heard your father's testimony in regard to that; you were in the room?

A.—Yes, sir.

Q.—Do you corroborate him in his statements?

A.—Yes, sir; I think everything he said is correct.

Q.—Do you think of anything except what he did state to the committee; do you remember of anything that occurred except what was stated by your father—any additional testimony?

A.—Well, in regard to the testimony that father gave concerning the night's conversation, I don't remember anything more in particular; but this gentleman told me that he was here to assist any person who might want assistance—any poor person.

Q.—Mr. McNamara told you that?

A.—Yes, sir.

Q.—In the presence of your father?

A.—Well, I think he told father that night, but he told me that previously?

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Q.—He told you that before?

A.—Yes, I think so.

Q.—You had a conversation, then, with him when your father was not present with this man?

A.—Oh, yes, sir, I had several conversations with him.

Q.—Will you give that conversation in detail to the committee?

A.—Well, sir, I could not give any particular conversation in detail.

Q.—Well, I mean the substance of it?

A.—I don't know that I could do that, any particular conversation; but I remember one conversation that I had with him here in the lobby. I asked him—I met him in the morning and I asked him—if everything was all correct on his side. He said he thought so; that at the next ballot there would be a change.

Q.—What day was that with reference to the close of the fight?

A.—That was the day the fight closed.

Q.—That was in the morning before the Senators came in to join the Assembly in the Assembly chamber?

A.—No; I think the Senators were in there; but it was before the balloting.

Q.—He said there would be a change?

A.—Yes, sir; he said the next ballot.

Q.—Did he tell you what would cause the change?

A.—No, sir; but I inferred from his being here, and having said that he was here to assist any person who might want a little money, and his having said that he favored Booth's election, that it might be owing to pecuniary causes.

Q.—You inferred that?

A.—Yes, sir.

Q.—But he didn't state that?

A.—No, sir; he didn't make the direct proposition.

Q.—Did he tell you that he had used any means to change anybody?

A.—He didn't tell me that he had used any means directly.

Q.—Or indirectly?

A.—I think not.

Q.—Did he tell you that he had money for some needy person to vote for Governor Booth?

A.—He said he was here to assist any needy person who might need assistance.

Q.—That conversation occurred the night your father was there, in your presence?

A.—I think that conversation occurred there; but I think he stated it also to me previously.

Q.—But did he state anything different from that before?

A.—I don't know; our conversation was not confined to any particular subject, and I could not say whether he stated to me anything different from that or not.

Q.—Did he say anything to your father by which he induced him to vote for Governor Booth, by holding out any promises to him?

A.—No, sir; I think he wrote a couple of letters to father, asking him to give Governor Booth his support. He said that Governor Booth was a good man, and that it was the wish of the people that Governor Booth should be elected as United States Senator, and that Governor Booth was an educated man, and stated a great many other things in relation to it, and said that he ought to.

Q.—Now, in this conversation that night, when he came there soon

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after leaving the train from San Francisco, and your father spoke to him and asked him if he was after votes, did he then at that time offer him anything; hold out any inducement to him?

A.—Oh, no; he never offered father any money at all; only he wanted, of course, to get father to vote for Booth, if he could; but he didn't offer him any money to influence his vote at all.

Q.—Did he tell you, at any conversation he had with you, that he had offered any person any money or anything else of value, any blank checks?

A.—No, sir; he was merely trying to initiate me into the mysteries of chicanery.

Q.—And the mode of electing Senators—you being a rising young man.

A.—Yes, sir; a sort of an ignoramus.

Q.—He seemed to hold out the inducement to you that it required money.

A.—I don't know that he held out that inducement to me; but he told me how those things were done frequently.

Q.—He told you that they were done by the use of money?

A.—No, sir. He told me that it could be done that way, sometimes.

Q.—Did he say that this was one of the times when money could be safely used?

A.—Well, he didn't say so, particularly; but from the fact that he said he was here to assist any person who was here and needed money, it seemed to me that this might be one of the times.

Q.—Did he pretend that Governor Booth, or any of his friends, had induced him to take this particular course?

A.—Well, he didn't say that Governor Booth had authorized him to come up here, or that any of his friends had furnished him with money; but that there was a dispatch sent him from Hart.

Q.—To come immediately?

A.—To come immediately.

Q.—And it was in answer to that dispatch that he came?

A.—I presume it was.

Q.—How long did he remain in the room with you that night?

A.—I could not tell; I didn't notice.

Q.—Half an hour?

A.—Well, I wouldn't make a statement whether it was half an hour or an hour, or two hours, because I don't know, and I wouldn't venture to state it.

Q.—Of course, your father had gone to bed, and he didn't remain long?

A.—Father was a little unwell from some cause, and had gone to bed earlier than usual that night, and he was in bed when Mr. McNamara came into the room.

Q.—Did this conversation that he had with you and your father and the other ones, make any impression on your mind as though unfair means were being used in the contest?

A.—Well, a man would naturally infer ——

Q.—Well, I don't care what men would naturally infer; but did it make any impression on your mind?

A.—Well, I will answer that by putting a question to you. I will ask you if a man ——

Q.—That is not the question. Did you regard the man as talking business, or in a genial manner?

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A.—I inferred that he meant business.

Q.—Did you tell anybody about it?

A.—Well, I told Mr. Dixon that I thought if there was any man there that wanted to be influenced by money, that I could send him to an individual that would give him what he wished.

Q.—Did you tell Mr. Dixon what had occurred at the room between him and your father?

A.—I don't know that I did.

Q.—Have you told it to any person until to-night?

A.—I don't know that I told all of it; I may have told some of the circumstances that happened that night, but I have not told it all, I don't think.

Q.—Had he singled out any one person in the Assembly or Senate as being the needy person he was looking for?

A.—Well, sir, there was a person in the Assembly, the man to whom he referred, but I could not recall the gentleman's name.

Q.—Do you know him?

A.—No, sir; because at the time I was not acquainted with but few of the members.

Q.—In what part of the house did he sit?

A.—I don't know that.

Q.—Did you know the man when he did refer to him?

A.—I had heard the name previous to that.

Q.—Do you remember what county he was from?

A.—No, sir, I do not.

Q.—Did he refer to Mr. Northup, or Northcutt?

A.—I told you that I don't recollect the man's name; but it was not Northcutt, I can tell you.

Q.—Northcutt was not the man he referred to?

A.—He was not the man.

Q.—But some other man?

A.—He was not the man that he referred to as being likely to change his vote on the next ballot.

Mr. Curtis—Mr. Wright, did you have a conversation with Mr. McNamara before that, when he consulted with you as to the propriety of his approaching any body?

A.—Before that conversation?

Q.—Before the fight, when you saw him at your father's room?

A.—I think that he told me previous to that night that he had come up here in Booth's interest.

Q.—Well, didn't he ask you if it would be safe, in talking to you, if it would be safe for him to approach your father?

A.—He asked me how father stood, and I think probably he asked me if there was any possibility of his changing. I told him I thought not.

Q.—Did he ask you, then, if you thought it would be safe for him to approach another member of the House, with whom you are acquainted, but the name you don't remember?

A.—Northcutt?

Q.—Yes, sir?

A.—I think he did.

Q.—What did he state to you about that?

A.—He first merely asked me if I thought it would be safe to approach him with money, and I said no. Well, I wouldn't say he said money, but to get him to change his vote, and I told him I thought it would not be proper. I inferred he meant money.

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Q.—You were acquainted with Mr. Northcutt before?

A.—Oh, yes, sir.

Q.—Did he ask you if you was acquainted with him?

A.—No, he didn't ask me if I was acquainted with him; but I presume he knew it, because I was acquainted with Mr. Northcutt down there, and he knew I was acquainted with Mr. Northcutt, and knew Northcutt was coming from the same county, and coming up at the same time the delegation came up, and I having been here all the time, I presume he thought I knew him.

Q.—And he asked you up there if you thought it would be safe to approach Northcutt?

A.—Yes, sir, if it would be save to approach Northcutt.

Q.—And you told him you thought it would not?

A.—I told him I thought it would not be.

TESTIMONY OF JAMES ANTHONY.

JAMES ANTHONY, called, affirmed, and examined:

Mr. Summers—The object of this committee, Mr. Anthony, in this investigation, is to ascertain the facts in regard to the alleged bribery and corruption against the honor and honesty of undesignated members of this present Legislature, in regard to the late Senatorial contest. You will please state to the committee what you know concerning it, or answer any questions that may be asked you.

A.—I will answer any questions germain to the subject.

Mr. Norton—You are one of the proprietors of a paper, published in this city, called the *Sacramento Union?*

A.—I am.

Q.—You took a deep interest in the late Senatorial contest?

A.—I did.

Q.—Through your paper, and personally?

A.—Yes, sir.

Q.—You were a warm and ardent supporter of Governor Booth?

A.—Yes, sir.

Q.—From the first to the last, in the contest, do you know of any money, bank checks, or anything of value being used in that contest in the interest of Mr. Booth; if so, state it?

A.—I don't.

Q.—You were conversant with the struggle from its inception to its conclusion?

A.—Well, tolerably conversant; I didn't run much of nights, but during most of the time I generally knew how it was going on.

Q.—You didn't mix with the boys nights much?

A.—No, sir.

Q.—When they were prowling around at late hours, you were not out?

A.—No, sir.

Mr. Curtis—How long since you quit that?

A.—Well, about fourteen or fifteen years. I never did prowl much about at night. These questions are not germain, I think, Mr. Norton.

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Mr. Norton—Then you know of no case where any man was approached by any friend of Governor Booth's, to procure his vote?

A.—None.

TESTIMONY OF JOHN W. FERGUSON.

JOHN W. FERGUSON, called, sworn, and examined:

Mr. Summers—Mr. Ferguson, the object of this investigation is to ascertain, if possible, the facts in regard to the alleged bribery or corruption, in regard to the honesty and honor of undesignated members of the present Legislature, in the late Senatorial contest.

Answer—Yes, sir.

Question—Please state anything that you may know, or answer any questions that may be asked you by the committee?

Mr. Norton—You are a member of the Assembly, Mr. Ferguson?

A.—I believe so, sir.

Q.—You were here during that memorable contest?

A.—I think I was—yes, sir.

Q.—Do you know of any person during the contest using any money, or making any promise to pay money, upon a contingency pending?

A.—No, sir, I don't.

Q.—Do you know of any person that had been offered money, bank checks, or drafts?

A.—I heard of no one being offered money. I heard Assemblyman Northup stating that money had been offered in his presence—that was about the remark—or he knew of somebody offering money. He didn't tell me positively who it was, or who the party was.

Q.—Did he tell you the amount that had been offered?

A.—No, sir, he didn't.

Q.—When did that occur, Mr. Ferguson—how long before Governor Booth was elected?

A.—I think it was either the morning of the election or the morning before, I am not certain which. I could not state positively; in fact, we were all talking rather jestingly at the time, and I didn't pay much attention to him—in fact, I paid no attention to it.

Q.—Did any person approach you in the lobby? Do you know Thomas Nosler?

A.—I was introduced to the man—met him once.

Q.—Do you remember his approaching you and telling you he was an old Placerite, and felt a deep interest in Governor Booth's election?

A.—Well, he didn't say that, but he spoke of what a love he had for the old Placerites, and wanted to know if I could not be induced to vote for the Governor. I told him no—I was elected in opposition to the Governor, and I didn't propose to play the d—n rascal, and we spoke rather sharply together and I turned around and left him.

Q.—Was that in the lobby, or in the body of the house?

A.—Not in the lobby; it was in the hall, in the dome—standing right by the railing in the dome.

Q.—Did he offer you any inducement?

A.—None, whatever. I didn't give him an opportunity.

Q.—You cut him off with the remark that you made to him?

A.—Yes, sir.

Q.—So you don't know?

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A.—Don't know anything about it.

Q.—So you don't know what further he might have said?

A.—No, sir; yet, in one subsequent remark, in answer to my remark about my not being able to play the damn scoundrel, he said it would be to my advantage, or could be made to my advantage; something in that way.

Q.—It could be made to your advantage?

A.—Yes, sir; something that way.

Q.—Did he say in what respect?

A.—No, sir, not any at all.

Q.—Did you go in and tell some members of that?

A.—No, sir; some members passing at the time overheard my remark. I don't remember who the member was now; and I made the statement, too, when Mr. Northup and I were talking of this matter. I said I believed there was a man out in the hall there that was a little on the buy; but I said it in a joking manner, and Mr. Dixon, of Sonoma, came up at that time, and we told him he had better go out and investigate it. We didn't care to play York, and he thought he didn't care to play York either.

Q.—And that is all you know about it?

A.—That is all I know about it.

Q.—How long had you known Mr. Nosler?

A.—I had just been introduced to him that morning. Mr. Hart, the Governor's Private Secretary, came into the chamber to get me to go down with him into the Governor's office to examine some papers in regard to an application for the position of Notary Public, and as we passed through the hall we met Mr. Nosler, and Hart introduced me to him, and passed on, leaving us together. I have seen the man only once since, but only to pass the time of day.

Q.—That was the first time you had a conversation with Mr. Nosler, when you saw him out in the lobby?

A.—The only time.

Q.—How did you happen to see him?

A.—As we were going through, he met Mr. Hart and I, and Mr. Hart introduced me to him.

Q.—Was that the time you had a conversation?

A.—Yes, sir; Hart passed on; at least he said he wanted to speak to me a few moments, and Mr. Hart passed on.

Q.—And Mr. Hart wanted you to go down to the Governor's office to examine some papers as to a Notary Public?

A.—Yes, sir.

Q.—And Hart introduced you and left you?

A.—Yes, sir; Mr. Nosler said he wanted to speak to me a moment, and Hart passed on and left.

Q.—Was that the time he spoke to you?

A.—Yes, sir.

Q.—And you told him that you didn't want to play the damned scoundrel?

A.—Yes, sir.

Q.—Why did you make that remark? That would seem a little rude.

A.—Well, I am a little peculiar, and I didn't want to have anybody dictate to me about how I should vote; I wanted to have a mind of my own; I thought there might be something peculiar in it, but I didn't intend to lay myself liable to an investigation.

Q.—Then his language displeased you?

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A.—Yes, sir.

Q.—Now, can you tell what his manner was, and what he said?

A.—I have given you what occurred, as near as I can; his manner was pleasant, of a tickling order.

Q.—In what manner did he propose tickling; did he say anything particularly that led you to think he was proposing to tickle your fancy?

A.—I don't know that; I should call his style rather of the blarney order.

Q.—Well, you are too much of a politician, Mr. Ferguson, to get angry at him for, in his persuasive manner, trying to influence you to vote for his friend.

A.—No, sir; but at that time I had heard that there was money in circulation for other things; but I didn't propose to place myself so that a man could bring me up in an investigation; I didn't propose to be so placed.

Q.—You thought, from his manner, that he was perhaps trying to do something of the kind, and you so answered him?

A.—Yes, sir; that was my reason for answering him in the way I did.

Q.—Did you say to any particular member that there was a man out in the lobby that had money; for him to go out and see what he had, and try to catch him?

A.—No; Mr. Northup and I spoke to Mr. Dixon that there was a man out there that had money.

Q.—Then it seemed to be your opinion and Northup's that Tom was out there and had money?

A.—No; they didn't know who was out there at all.

Mr. Norton—Do I understand you, Mr. Ferguson, that this conversation was an open one there, with parties passing and repassing by you all the time?

A.—Yes, sir.

Q.—He did not say he had any money?

A.—No, sir; nothing of the kind. The word money was not mentioned.

Q.—Nothing—no consideration mentioned?

A.—Nothing that you could call of a criminal nature, sir, as I understand the interpretation of the law.

Mr. Coggins—Mr. Ferguson, did you tell Mr. Ryan to go to Mr. Northup, and that he could get some information on the subject?

A.—Mr. Ryan came to me and told me that he understood from Mr. Boruck—and had fastened on me as the party who—who had received or been offered the two thousand dollars, or something in substance of that kind; and he went on—he had evidently got hold of this conversation between Nosler and myself, by some means or other—and I then made a statement, as nearly, to him, as I recollect—as nearly as I have to you all—and I referred him to Dixon and Northup in regard to the matter, and mentioned, I think, to him, at the time, the remark that Mr. Northup had made some statements of some kind, although I knew nothing of what proposition, if any, had been made to Mr. Northup. I think I told him that Mr. Northup knew of somebody that had been offered money. I didn't charge my mind with it.

Q.—Your impression was that Northup had seen money offered to some other person?

A.—That was my impression, from his remark to me.

Q.—Did you hear anything of any specific offer of that character—as

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to who it was offered by, how much was offered, or anything of that kind?

A.—No, sir; I didn't make any inquiry at all.

Mr. Amerman—Mr. Ferguson, I believe that you were taking quite a deep interest in the Senatorial fight on the Democratic side?

A.—It was believed that I was.

Q.—Do you know anything that will throw any light upon certain rumors that have been in circulation in regard to the election of Judge Hagar for the short term?

A.—No, sir.

Q.—No offer; no inducements or promises?

A.—No, sir; none whatever. I know I supported Mr. Lewis (?) in the caucus, and I knew of no conclave being entered into between any parties. It was supposed that that was above suspicion.

TESTIMONY OF C. T. WHEELER.

C. T. Wheeler, called, sworn, and examined:

Mr. Summers—The object of this investigation is to ascertain, if possible, the facts in regard to the alleged bribery and corruption that has been charged against certain undesignated members of this House, in regard to the late Senatorial contest; if you know anything, please state to the committee, or answer any questions that any members see proper to ask.

Mr. Norton—You were connected with Governor Booth in his contest for the Senatorship, living here in the city?

Answer—Yes, sir.

Q.—Intimately connected with him?

A.—Yes, sir.

Q.—Connected with him in his business?

A.—Yes, sir.

Q.—And felt a deep interest in his success?

A.—Yes, sir.

Q.—Do you know of any inducements being held out of a pecuniary nature or otherwise?

A.—No, sir, I don't.

Q.—To any party?

A.—I don't.

Q.—To vote for any candidate for Senator?

A.—No, sir; not that I know of.

Q.—No checks or promises?

A.—Nothing pertaining to it.

Q.—No promise of position in the future to any man?

A.—No, sir.

Q.—To give Governor Booth his support?

A.—No, sir; no shadow of a promise.

Mr. Curtis—There was a question asked you by Mr. Norton. His question was directed more particularly to the members. I will ask you, do you know of any middle man acting in the interest of Governor Booth, who was not a member. Do you know of any money being placed in the hands of anybody, or any agents of any sort, to be used away down where you or other parties would not know of it?

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A.—I don't know of any, nor no shadow of any, or anything appertaining to it.

Q.—Then there was nobody you know of to such an arrangement?

A.—None whatever.

Q.—Nothing of that sort?

A.—No, sir.

TESTIMONY OF W. J. TINNIN.

W. J. TINNIN, called, sworn, and examined:

The Chairman—Mr. Tinnin, I will state that the object of this investigation is to ascertain, if possible, the facts in regard to the alleged bribery and corruption that has been charged against the honor and honesty of undesignated members of the present Legislature, with regard to the late Senatorial contest. If you know anything in regard to the matter, you will please state to the committee, or answer any such questions as may be asked you by the members of the committee.

Mr. Norton—You are a member of the Assembly, Mr. Tinnin?

Answer—Yes, sir.

Q.—Was here all through the late Senatorial contest?

A.—Yes, sir.

Q.—Took an active part in it, as a member of the Democratic party?

A.—I did.

Q.—Do you know of any money, promises of place, check, hope of place or position being offered to any member by any member of either House, or by any other members, to gain votes for any candidate for Senator—vote or votes?

A.—I don't, of my own knowledge.

Q.—State to the committee what you do know of it, and what you have gained by hearsay. This examination takes a wide range, and we don't confine the witnesses to legitimate testimony.

A.—All I know is this: It was from two to five days before the election for Senator, that Mr. Northup came to me, I think it was about the Golden Eagle Hotel, either on the sidewalk or inside of the house, I don't remember which, and said to me that it was worth three thousand dollars for a Democrat to vote for Booth; I said to him, as well as I recollect, or asked him, rather, if there had been any money offered in that way, if he was not going to expose it; he said no, he could not; I asked him why not, and he said there was a Democrat mixed up in it, and I said I didn't care a d——n who was mixed up in it; and I asked him if he would not send the fellow to me, and if he would make me an offer I would blow him.

Q.—Did he tell you who the man was?

A.—He didn't; I asked him, but he wouldn't say.

Q.—Did he say he had promised not to tell?

A.—No, sir.

Q.—Did he tell you the circumstances under which the offer was made?

A.—No, sir.

Q.—He only made the general remark?

A.—Yes, sir; only made the general remark.

Q.—And you called his attention to the fact that you thought it was his duty to send the man to you?

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A.—Yes, sir.

Q.—And you would expose him, even if he was a Democrat?

A.—Yes, sir.

Q.—He seemed to want to shield him because he was a Democrat?

A.—No, sir; he made some such remark.

Q.—I understood you to say that in response to a question?

A.—Yes, sir; he said he was a Democrat.

Q.—He said he could not do it, because there was a Democrat mixed up in it?

A.—He didn't use those words exactly.

Q.—Did he tell you how long before it was that this man had approached him?

A.—No, sir, he didn't; that is about all the conversation we had on the subject.

Q.—What was his appearance—did he seem much excited over it, or take it pretty coolly?

A.—No, sir; he didn't seem very much excited.

Q.—That was in front of the Golden Eagle Hotel?

A.—Either in front or inside; it was in that vicinity.

Q.—Is that all you know, Mr. Tinnin, of this charge of bribery and corruption?

A.—Yes, sir; that is all I know that would have any bearing in any way on it.

On motion of Mr. Freeman, the committee, at ten o'clock P. M., adjourned until Monday night.

THIRD DAY'S PROCEEDINGS.

SACRAMENTO, Monday, February 9th, 1874.

The committee met at half-past seven o'clock, evening. Present, a full committee.

TESTIMONY OF THOMAS HUGHES.

THOMAS HUGHES, called, sworn, and examined:

The Chairman—Mr. Hughes, the object of this investigation is to ascertain the facts, if possible, in regard to the alleged charges of bribery and corruption against undesignated members of the Assembly in regard to the late Senatorial contest. Do you know anything in regard to that matter? If you do, please state to the committee, or answer such questions as the committee is prepared to ask you in regard to the matter.

Mr. Norton.—What is your name, and where do you reside?

A.—Thomas Hughes.

Q.—Where do you reside?

A.—Nevada County.

Q.—How long have you resided in Nevada County?

A.—Twenty-two years.

Q.—What part of Nevada County?

A.—About the center.

Q.—How far from Grass Valley?

A.—Two miles.

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Q.—What is your business?

A.—Farmer.

Q.—Been engaged in that business ever since you have been there?

A.—No, sir. I have been engaged in that business since eighteen hundred and fifty-five or eighteen hundred and fifty-six.

Q.—How large a farm do you own?

A.—Three hundred and twenty acres.

Q.—Were you here, in Sacramento, during the late Senatorial contest for the long term?

A.—I was.

Q.—How long did you remain in Sacramento City?

A.—About three weeks; perhaps three weeks and two days.

Q.—Did you come at the commencement of the session of the Legislature?

A.—Before the Legislature convened.

Q.—Before the Legislature convened?

A.—About four days, I think.

Q.—Four days before?

A.—Yes, sir.

Q.—What brought you to the city four days before the Legislature convened?

A.—I was a candidate, sir, for Assistant Sergeant at-Arms, and came here.

Q.—In the Assembly or Senate?

A.—In the Senate.

Q.—You came here on that business?

A.—Yes, sir.

Q.—And remained here till after the Senatorial contest was over?

A.—Yes, sir.

Q.—How many days after it was over before you went to your home?

A.—I think I went up the same day; I think so; I am positive; I think it was the same afternoon.

Q.—Do you know Mr. Northup?

A.—Yes, sir.

Q.—How long have you been acquainted with him?

A.—I got acquainted with him, sir, in the County Convention. I think it was last June. He was a candidate before the Convention, and I was a delegate.

Q.—He was a member, was he?

A.—Yes, sir.

Q.—Did you have any conversation with him about either of the candidates during the fight?

A.—I think not, sir; I think not.

Q.—Would you remember if you had any conversation with him?

A.—Well, I am pretty positive that I would, sir.

Q.—Pretty positive that you would. How often did you see Mr. Northup during the time you were here?

A.—I saw him every day.

Q.—Met him frequently?

A.—Sometimes two or three times a day, sometimes half a dozen.

Q.—Did you go to see him, or he to your room in the Golden Eagle Hotel, during that time?

A.—He came to me. He and I were in the Golden Eagle Hotel drinking; I think we drank five or six times at the bar, and I invited him to

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my room to smoke a cigar; it was getting warm there, the room was very warm.

Q.—What time was that with reference to the Senatorial contest; how many days before?

A.—I cannot tell you.

Q.—Was it two or three days before?

A.—I think it was.

Q.—For what purpose did you invite him up to your room?

A.—For the purpose of smoking a cigar. We were talking for perhaps an hour before that.

Q.—What were you talking about in the bar-room?

A.—I cannot tell you what it was; a general conversation; perhaps about the candidates, perhaps about the election.

Q.—You cannot recollect whether you were talking about the Senatorial struggle or not?

A.—I think we was, perhaps.

Q.—What is the reason you cannot remember the substance of what was there said?

A.—Well, in the first place, I didn't suppose that I would ever be obliged to remember it, and it passed out of my mind. I did not think I would ever be called upon for anything.

Q.—What was your condition, as to being intoxicated, or otherwise, when you went to your room?

A.—Well, I had been drinking.

Q.—Did you feel the influence of the liquor you drank?

A.—Yes, sir, I did.

Q.—Somewhat intoxicated?

A.—Well, I think I was, a little; that was what made me go.

Q.—To get away from the heated atmosphere?

A.—To get away from the hot stove and out of the crowded room.

Q.—What did you say to him when you got him up in your room?

A.—Well, the only conversation that I remember—I read his testimony—that I had in regard to that. We was talking about the candidates; and we was talking about this J. P. Jones being in town. We heard there was heaps of money here. J. P. Jones had half a million—that was the common talk, bar-room talk—and there was going to be a terrible amount of money in the fight. That was the only conversation I had with him in regard to money matters.

Q.—How much money did you have with you at that time?

A.—Probably one hundred and fifty dollars to two hundred dollars.

Q.—Was two hundred dollars the outside figure?

A.—Yes, sir.

Q.—Were you talking in the interest of Governor Booth, or against him?

A.—Against him.

Q.—Against Governor Booth?

A.—Yes, sir.

Q.—In whose candidacy were you interested?

A.—Well, I was interested in James T. Farley, after he got the nomination; after his nomination I was a Farley man.

Q.—Before he received the nomination?

A.—Well, my preference when I came here was Eugene Casserly.

Q.—And after Eugene Casserly withdrew and went out of the fight?

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A.—Then Farley.

Q.—How was it about Mr. Finney?

A.—Well, I mean the nominee of the party.

Q.—He was really the man you were favorable to?

A.—He was my man; but after Casserly went out of the fight, then Farley.

Q.—You stood by the party nominee?

A.—Yes, sir.

Q.—I understand, by your testimony, that you are a Democrat?

A.—I am, sir; yes, sir.

Q.—Did you say up there in that room, at that time, or at any other time, that you would give him a sum of money to drop Farley?

A.—No, sir.

Q.—You are positive about that?

A.—I am very positive that I never named "drop Farley" to him, for I was a Farley man.

Q.—You didn't want him to drop Farley then?

A.—No, sir.

Q.—Did you say anything to him against Senator Farley?

A.—No, sir, I don't think I did; I don't know of any reason that I should have.

Q.—Do you know, during the contest or before it actually commenced here in the city, that any inducements were held out, either in money, gold coin, gold notes, checks, drafts, or any other things of value, to any person to vote for any candidate?

A.—No, sir, only hearsay; that Jones was here with bushels of money, that was the bar-room talk.

Q.—Did you, or did you not, hold out any inducement to Mr. Northup, a member of the Assembly, to drop Farley?

A.—No, sir; I did not.

Q.—Did not propose to give him any sum of money—say three thousand dollars, or any other sum?

A.—No, sir.

Q.—At any time?

A.—No, sir.

Q.—At the Golden Eagle Hotel, at the time I named, or anywhere else?

A.—No, sir. I am certain that I never wanted him to oppose Farley, or oppose any other Democrat.

Q.—Well, did you offer him any sum of money, or anything of value, to go for anybody?

A.—No, sir.

Mr. Curtis—Or to stay away from the fight in the joint convention?

A.—No, sir.

Mr. Norton—Or to stay away, keep out and not vote all?

A.—No, sir.

Q.—Did you approach him there or elsewhere upon the subject, so as to influence his vote?

A.—No, sir.

Q.—With the purpose of influencing his vote?

A.—No, sir.

Q.—Were you not astonished when you read the testimony of Mr. Northup?

A.—I was really, indeed, and told him so.

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Q.—Do you know, Mr. Hughes, that your testimony, given to-night, flatly contradicts Mr. Northup's testimony?

A.—Yes, sir; I do.

Q.—You are aware that it is in direct contradiction of it?

A.—Yes, sir. I saw Mr. Northup yesterday on the street, talked with him perhaps fifteen minutes. He told me that he was tight at the time, that he was full at that time, or this thing never would have occurred. Said he: "I knew positively that you never intended to influence me or buy me; I merely said that as a joke." Said I: "That is a hard joke on me, that is a very hard joke on me. I have a family of young boys growing up, one of them is nineteen years old, and one of them is sixteen, going into company, and it is a sorry joke for me."

Q.—There is no fun in it for you?

A.—No, sir; not at all.

The Chairman—You did not say to Mr. Northup, after this thing had occurred, that you were merely jesting—that you did not mean what you said when he said that you had offered him three thousand dollars?

A.—I do not understand you.

Q.—You did not tell Mr. Northup that you were merely jesting? He says that you made this proposition in a jesting way.

A.—No, sir; I did not.

Mr. Curtis—I understood you to say, Mr. Hughes, that you never made it, in jest or in earnest?

A.—I never made it in any way, and he told me he knew I did not, yesterday.

Q.—Did you have a meeting with Mr. Northup, here or elsewhere, after the charges were published in the *Spirit of the Times*, Mr. Boruck's paper?

A.—I did not say that at all, sir.

Q.—I know; but did you see Mr. Northup after that?

A.—Yes, sir.

Q.—Did you and Mr. Northup converse about the charges made by Mr. Boruck?

A.—Yes, sir; I think there was some conversation about it.

Q.—Where did that occur; in this city?

A.—That occurred in this city; yes, sir, that occurred here. I was going to San Francisco when I met him.

Q.—You were on your way to San Francisco?

A.—Yes, sir.

Q.—From Nevada?

A.—Yes, sir.

Q.—And met Mr. Northup?

A.—Yes, sir.

Q.—Did he broach the subject to you, or you to him?

A.—I think he broached it to me; I think so; I am positive about that.

Q.—What was said in that conversation about it?

A.—Well, I do really forget; there wasn't but a very little said.

Q.—Did you, in that conversation, state to Mr. Northup that you had read or found out what these charges were?

A.—Yes, sir; I heard of this *Spirit of the Times* arrangement, but never read it.

Q.—But you heard of it?

A.—Yes, sir.

Q.—And what it contained?

A.—Yes, sir.

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Q.—Did you say to him that you were sorry for what you had said?

A.—No, sir.

Q.—That you had been drunk, and was not accountable for what you did say?

A.—No, sir.

Q.—Did you say what I have stated to you in those words, or in substance as I have stated?

A.—I said nothing. If I said anything—he said I was very drunk—if I have said anything—if I have said a word—I says: "If I have opened my head, don't, for God's sake, bring me into anything."

Q.—He said you were very drunk?

A.—Yes, sir; said I was very drunk.

Q.—And admitted that he himself was drunk?

A.—He admitted that he was "full."

Q.—Yes, sir, "full;" that is the term he used?

A.—Yes, sir.

Q.—That is an expressive term, is it not?

A.—Yes, sir; I believe so.

Q.—Almost synonymous with a man's being drunk, isn't it?

A.—Yes, sir; I should say so.

Q.—How did he appear at that interview; as though he was intoxicated?

A.—No, sir; I did not notice it, for I didn't think I was much myself.

Q.—That is the general calculation: the tighter a man gets the soberer he thinks he is.

A.—I think I was sober, but he says I wasn't sober.

Q.—If you named three thousand dollars to him as the sum you were willing to pay him to drop Farley or keep away from the joint convention, did you have any means to keep the promise good?

A.—No, sir; I didn't know where I could get three thousand cents for that purpose.

Q.—You had entered into no negotiations with anybody to do a thing of that kind?

A.—Nobody at all, sir.

Q.—You say you were not politically friendly with Governor Booth, and of course were not aiding him?

A.—I was not politically friendly with Governor Booth, or aiding him. I should not have known him if he came into the room.

Q.—What is the value of your estate, take it altogether, real, personal, and mixed?

A.—Well, probably, six thousand dollars or seven thousand dollars.

Q.—Not over six thousand dollars or seven thousand dollars?

A.—Six thousand dollars or seven thousand dollars; that would be the extent.

Q.—You are well acquainted with Senator Irwin?

A.—Well, I am somewhat acquainted with him.

Q.—He had been assisting you in your contest for Assistant Sergeant-at-Arms?

A.—Senator O'Connor. He was an old friend of twenty-two years standing.

Q.—You are intimately acquainted with Senator O'Connor?

A.—Yes, sir; and Senator Kent and Mr. Pelham—A. G. Pelham.

Q.—Senator O'Connor, you say, had assisted you, and been very friendly with you in your contest?

A.—Yes, sir; he put me in nomination, and done all he could for me.

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Mr. Curtis—Although you were somewhat intoxicated that night, Mr. Hughes, you were not so drunk but you knew at the time what you were doing?

A.—I think not, sir.

Q.—And you know now what transpired at that time?

A.—Well, I am pretty positive; I didn't know I was so drunk as this gentleman tells me I was.

Q.—Then could there have been any motive for your offering a Democrat to drop Farley, a Democrat, when you were a Democrat?

A.—No, sir.

Q.—You are a Democrat when you are sober?

A.—I am a Democrat all the time.

Q.—I was going to ask you, if you were a thorough Democrat when you are a sober man, you would be a stronger Democrat when you are drunk?

A.—Yes, sir.

Q.—Then there could have been no inducement for you to solicit a member to leave the Democratic ranks?

A.—No, sir; not the slightest.

Q.—Then you were for the Democratic nominee, no matter who he was?

A.—The Democratic nominee was my man.

Q.—Then if you had been ever so drunk, there was no probability of your doing so?

A.—That is what I think; I certainly never tooted my horn yet for a Republican; and I don't see how it could be, for I could not make anything by it.

Mr. Curtis—My experience is, a drunken Democrat is a stronger Democrat than a sober one.

A.—That is what I think.

Q.—Then there is nothing in that?

A.—No, sir.

Q.—Did you attempt to use any money in the election to promote the election of a Democrat?

A.—Not a twenty-five cent piece did I use in all.

Q.—For your own purposes?

A.—Yes, sir, my own purposes.

Q.—And you took no interest in the Senatorial contest sufficient to advance any money or use any money?

A.—No, sir.

Q.—What you might have done in persuasion as a Democrat is another thing?

A.—Yes, sir.

Q.—You used no improper means?

A.—No, sir.

TESTIMONY OF M. M. ESTEE.

M. M. Estee, called, sworn, and examined:

By Mr. Summers—Mr. Estee, the object of this investigation is to ascertain the facts, if possible, in regard to the alleged bribery and corruption, in regard to undesignated members of the present Legislature, in regard to the late Senatorial contest. If you know anything

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in regard to that matter, you will please state it to the committee, or answer such questions as any of them ask in regard to the matter.

Mr. Norton—Please give a succinct statement of your connection with the late Senatorial contest, beginning as far back as you deem material, in connection with this charge of bribery and corruption.

A.—Well, I don't know anything about the charge. I know something about the charge, but I don't know anything about any bribery and corruption. I can give you the history of my connection with the Senatorial fight. Of course, I was a very warm supporter of Governor Booth for that position; had been for a year, or as far back as his name was mentioned in connection with that position. I was nominated for the Assembly, for my position, known to be a Booth man at the time. When I was nominated I announced it; and I stumped during the canvass, and, of course, did everything I could to secure his election. I came up here four or five days before the Legislature met, and although I made a little fight for myself, as candidate for Speaker, yet I came here, of course, with the desire to see him elected Senator above everything else—that was my desire. So far as money is concerned, I never knew of money being used directly or indirectly, nearly or remotely, in the matter of a Senator. On the contrary, I do know that in the fight in San Francisco for our election, and in the fight here, those that I was connected with did not have money enough for cigars, unless they had it from their own pockets. I don't know of any fund or any money used even for cigars, except that money that each of us paid out.

Mr. Norton—You was here all through the contest until its close?

A.—I was here from beginning to end. I know I have heard Governor Booth say fifty times to us, when it has been talked about last Fall frequently, during the canvass, that a little money ought to be used to give our meetings a better show, or a better notice, etc. I have heard him say, always, he would not use money for any purpose; not as I believe from any desire to be mean about it, but that he was opposed to the use of money in this Senatorial fight. I do not think any money was used by any person who was a candidate, on any side, this Fall, in this city. Of course, I only express my opinion; but I am certain that Governor Booth, and his friends, neither counseled the use of nor directly or indirectly used a dollar. I think I would have known it if they had, and I know I don't know it. I would say, further, that of course during this Senatorial fight, the two or three weeks that it was going on, there were rumors in the air about money being used in every direction, by everybody, and especially by those in the interest of beating Governor Booth; but I think I never had any definite knowledge, and I don't now believe that any money was used, even to beat Governor Booth, in this fight in this city.

Mr. Curtis—When you said just now, Mr. Estee, that when the friends of Mr. Booth were talking about using money, that was in legitimate ways, at the election?

A.—I mean for using money in making bigger displays at the meetings. Well, it was legitimate expenses. Legitimate expenses of the canvass last Fall, in San Francisco, and out of it. We had no fund to send—no fund to help our friends in the country last Fall.

Q.—You had nothing to do with the Senatorial election?

A.—No, sir; not a bit; not at all. I know there were some newspapers in the country that I know, or I was told, wanted a little money, but they did not get it. I want to say that they, themselves, never said a word about it, but some friends of theirs spoke in their be-

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half. Relative to this matter of Mr. Brown, I may be pardoned for saying that I never knew that Mr. Brown was Mr. Booth's friend, until long subsequent to the election, and, I think, subsequent to his election as Senator. I know, that in the contest last Fall, in San Francisco, Mr. Brown was opposed to our legislative ticket; that I know; but I think that in the Judicial election, that Mr. Brown favored McKinstry. I don't say that with any view of wishing to assume any position toward or against Mr. Brown; on the contrary, I know nothing at all against him. I merely spoke of it as within my knowledge as a fact. I have heard leading men of all parties say, here, Democrats and Republicans, that they never knew a Senatorial fight conducted in this city where they believed it was conducted entirely without money except this; and I think that is the general impression among the leading members of the Legislature, and the leading people of the State who took an active part in the Senatorial fight. I don't speak now as to any particular party, but I mean as to the whole fight.

Mr. Norton—Take all parties, Democrats and Republicans?

A.—Yes, sir; I think there are a good many members here, and I think that they would all bear me out, the most of them at least, that it is the general belief of the members of the Legislature, and I have heard it discussed, that it was one of the few Senatorial fights where money was not used. There was very little drinking and very little spending money, by those means that have frequently been resorted to in times past, in this city, to my personal knowledge.

Mr. Amerman—Mr. Estee, there was a remark you just made, a general remark. You don't pretend to assure this committee, of your own knowledge, that there never was during that Senatorial fight any improper means used to insure the election of anybody?

A.—No, sir. I think my testimony was sufficiently explicit. I said, to my knowledge. I said of public sentiment, that the sentiment of the Legislature, or those members with whom I had conversed, the general idea, and my idea, was, that money had not been used in this Senatorial fight, in Sacramento.

Q.—Or in any other place?

A.—In what?

Q.—In any other place?

A.—Or in any other place, relative to this Senatorial fight. I said that was my impression. I don't pretend to say that money has not been used, for I don't know, but, to my knowledge, I say it has not been used. I think you will find, that in an exciting political contest like this was, or like any Senatorial contest, there are always a great many men who want to carry news to all sides, and men who think they know a great deal about the fight, and about the chances of getting votes, etc. And, doubtless, the same rule in that regard prevailed at this time as in other Senatorial fights, but I have never had any definite knowledge of it.

Mr. Curtis—Do you know of any person ever applying for money to be used in that way?

A.—Never in the world, sir. I will state that I met Mr. Booth's friends a great many times during the Senatorial fight. I mean his known personal friends in the Legislature, not in caucuses. But there were a few of us met together and talked over the caucus; well, you might say, almost daily, and I never heard even an intimation of the

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use of money. On the contrary, it was—we were very impecunious on that question. I know that all were very anxious for me to sign their certificates to get their first week's pay here.

TESTIMONY OF JOHN L. LOVE.

JOHN L. LOVE, called, sworn, and examined:

Mr. Summers—Mr. Love, this is an investigation to ascertain the facts in regard to the alleged bribery and corruption against undesignated members of the present Legislature, in regard to the late Senatorial contest. If you know anything in regard to that matter, you will please state it to the committee, or answer such questions as may be put to you in regard to the matter.

Answer—I don't know of any such thing ever having occurred.

Mr. Norton—You were the Attorney General of the State?

A.—Yes, sir.

Q.—Were you here during the late Senatorial contest?

A.—Yes, sir.

Q.—In Sacramento all the time?

A.—With the exception of two days.

Q.—Two days you were away?

A.—Yes, sir.

Q.—Do you know of your own knowledge, or have you learned from others, that any money or thing of value was improperly used in this contest to gain votes for anybody?

A.—No, sir; I never heard of any such thing.

Q.—You don't know it and never have heard of it?

A.—No, sir; except from the general daily rumors in public print.

Q.—I mean, while the contest was going on until its close, did you hear of any such thing?

A.—Never a word.

Q.—Were you intimately connected with Governor Booth in his contest?

A.—I was in daily consultation with him and his friends.

Q.—Was in daily consultation with him?

A.—Yes, sir.

Q.—Was any such thing as that ever stated in your presence, that money or anything was to be used?

A.—Never, sir.

Q.—Not a word ever said about it?

A.—Never, sir, that I recollect of. If the subject was ever mentioned in any way it was deprecated, and it was understood that there was not to be anything of that kind attempted by anybody.

Q.—It was understood by all his friends that this was to be a fair and square fight, without the use of money or anything else?

A.—Yes, sir.

Q.—And it was such a fight as far as you know?

A.—Yes, sir; I am certain it was.

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TESTIMONY OF ALBERT HART.

ALBERT HART, called, sworn, and examined:

Mr. Summers—Mr. Hart, the object of this investigation is to ascertain the facts, if possible, in regard to the alleged bribery and corruption against the honor and honesty of undesignated members of the present Legislature, with regard to the matter of the Senatorial contest. If you know anything in regard to the facts, you will please state to the committee, or answer such questions as may be propounded to you by the committee.

A.—No, sir; I know of no bribery or corruption at all, to my own knowledge, in any manner, shape, or form.

Mr. Norton—Where was you during the late Senatorial contest; here in Sacramento City?

A.—In Sacramento City? Yes, sir.

Q.—Here all the time?

A.—Here all the time.

Q.—You are Governor Booth's Private Secretary?

A.—Yes, sir; I am, sir.

Q.—And was during all that contest?

A.—Yes, sir.

Q.—Did you take an interest in the fight?

A.—A great deal.

Q.—Worked hard for the success of Governor Booth?

A.—As well as I knew how.

Q.—Do you know one McNamara, who resides in San Francisco?

A.—I do, sir.

Q.—Did you see him here in Sacramento during that contest?

A.—I did, sir.

Q.—What brought him to the city when he came here on the night during the contest?

A.—He came up at my request.

Q.—Came at your request. How did you reach him? What kind of a request did you send to him?

A.—He was up here twice; once he came at the request of a friend; the second time he came at my request.

Q.—How long did he stay the first time he was here?

A.—A day, I think.

Q.—One day?

A.—I think so.

Q.—Did he take any stock in the contest then?

A.—Not that I am aware of, sir.

Q.—Did you know what his relations to Governor Booth were; whether friendly, or not?

A.—Friendly, as he told me. I never saw him until that time.

Q.—You learned that at the first interview?

A.—Yes, sir.

Q.—How did you come to talk to him about it?

A.—A friend of mine wrote me from San Francisco that Mr. NcNamara——

Q.—By the way, what is your friend's name?

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A.—His name is Martin.

Q.—What is his given name?

A.—W. H., I think.

Q.—Now go on.

A.—He wrote to me that a friend of his—a Mr. McNamara—was a strong adherent of Booth, and very intimate with Mr. Wright, the member from Sonoma, and he thought that he could, by conversation with Mr. Wright, be of some use to Mr. Booth. I showed the letter to a couple of friends.

Q.—Who were they?

A.—Mr. Dodge was one, and Mr. Roush was the other.

Q.—Mr. Dodge is here; he is Mr. Booth's business partner in San Francisco, and Mr. Roush is a member of the Assembly?

A.—Yes, sir. I thought it advisable to send for Mr. McNamara.

Q.—Who advised you?

A.—I say I spoke to them on the subject.

Q.—Yes, sir; and they advised you to send for him?

A.—No, sir; I don't know that they advised me. I asked them if they would send for him in my place. I sent for Mr. McNamara, or rather I wrote to my friend Mr. Martin, that I should be very happy to see Mr. McNamara. He wrote me he would come up the next day, or day after. He came up. I met him and had a conversation with him. He said he had strong personal relations with Mr. Wright, and he would have a conversation with him. I told him, I said, "Mr. McNamara, I understand from Mr. Luttrell (?) that the Sonoma delegation would vote for Mr. Booth if Mr. Casserly was out of the field; he is out of the field, and I don't see why they should adhere to the Democratic caucus, and not come right out and vote for Mr. Booth." And in the general conversation we had, he was asking how the fight was going on, and if parties were using any money; and I distinctly and emphatically told him that there was not a cent being used on the part of Mr. Booth—not a cent in any shape or form, and no trading. If you can get Mr. Wright's vote for Mr. Booth, we would like it; but I tell you now, in advance, that Mr. Booth will be elected without Mr. Wright's vote. He had some conversation with Mr. Wright. What it was, I don't know. He told me that he thought Mr. Wright was so complicated with the Democratic caucus that he didn't know whether he would vote for Mr. Booth now, but he might in time; and he asked me if he could be of any further use in the matter, and I told him no; and he returned to San Francisco. A few days afterwards I received a telegram: "Had I better come up to-night?" I telegraphed him, "Come up immediately," because my object was, that if he had any influence with Mr. Wright, to have him use it, so that if he didn't vote for Mr. Booth, to keep him out of the Democratic caucus, which was perfectly legitimate and perfectly right; and that was all that occurred between me and Mr. McNamara in regard to Governor Booth's election.

Q.—Did Governor Booth know what you were doing in the premises?

A.—No, sir; not a word of it.

Q.—Having these daily consultations with him, how is it, Mr. Hart, that you let such an important matter as that be kept away from the Governor?

A.—I didn't think it was any great matter of importance to communicate to him.

Q.—You seemed to be straining every nerve to aid him legitimately, as you said, and to gain Mr. Wright's vote?

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A.—Had I succeeded, or saw any show of success in getting Mr. Wright's vote through Mr. McNamara, I should have spoken to him; but I saw it could not be done, and so said nothing about it.

Q.—What was the cause of your stating to Mr. McNamara that there was no money in this fight?

A.—The general conversation—he wanted to know if the other side was using money, or any money was attempted to be used. I told him if there was money, the other side would have to use it, for we didn't intend to spend a cent.

Q.—Was that called out from you by hints from him that he wanted money to use?

A.—No, sir; I didn't understand it in that light at all. It was merely a general conversation.

Q.—Did you learn that he did arrive, in response to your telegram to "Come immediately," and that he went that night to see Mr. Wright, at his room, and found him in bed?

A.—I don't know whether he found him in bed or not. I think he saw Mr. Wright that evening. He told me the next evening that he had seen Mr. Wright.

Q.—Did you learn from him, or from anybody else, that he was here to aid poor people in the fight?

A.—No, sir; I never heard any such transaction at all.

Q.—Was seeking out poor men, to see if he could not influence them to vote for Mr. Booth?

A.—No, sir.

Q.—When did you first hear of that?

A.—I heard it in the papers.

Q.—That was the first you ever heard of that?

A.—The first I ever heard of it.

Q.—Did you know Mr. McNamara before he was introduced to you by the letter of your friend?

A.—I never saw him before in my life, and I never heard of him.

Q.—Upon what ground did he place his warm support for Governor Booth—such warm support as to be ready to work for Governor Booth?

A.—He said he had followed Governor Booth through his political course, and admired it very much. He said he was the best man for the place, and that he was the choice of the people. He knew he was in San Francisco, and like many others who follow a man that leads a party, he felt inclined to support him.

Q.—Did you talk with Mr. Wright after McNamara went to him the first time?

A.—I don't think I ever had a conversation with Mr. Wright on political matters in my life.

Q.—Then your dispatch to him: "Come immediately," was an answering dispatch to one he had sent you?

A.—Either a dispatch or a letter, I am not certain which. I rather think it was a dispatch.

Q.—Either a dispatch or a letter asking you whether it was best for you to come up or not, was it?

A.—Yes, sir.

Q.—What was the reason of your sending him back. Did you think he could not be used to advantage in the contest when he went back. You told him there was no further use for him?

A.—I saw very well that he could make no impression on Mr. Wright; either to vote for Mr. Booth, or to leave the Democratic caucus. He

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said Mr. Wright had engaged himself in the caucus in such a manner that he could not honorably withdraw from it; that he would like very much to vote for Governor Booth, and if it came to the press, he would like to vote for him, and might do so; but at present he could do nothing.

Q.—You took as deep an interest, then, Mr. Hart, as any warm friend of Governor Booth could or did?

A.—Yes, sir; I took as deep an interest in it as any man could in the success of anything.

Q.—Do you know of any money, either in gold coin, gold notes, bank checks, drafts, or anything of value being used in the contest to gain votes for Governor Booth during that contest?

A.—Not one solitary cent of any kind, character, or description, in thought, word, or deed.

Q.—Do you know of any fund being set aside for that purpose by Governor Booth, or his friends—Mr. Dodge, or others—for anything?

A.—No, sir.

Q.—Did you have any talk with Mr. Northup about this contest?

A.—I think not, sir; I don't think I ever had any conversation with him to allude to it at all.

Q.—Mr. Carter—did you ever talk with him?

A.—Mr. Carter?

Q.—J. C. Carter, one of the members of the Assembly?

A.—No, sir.

Q.—Of Yuba, I believe?

A.—No, sir; I don't think I ever had a conversation with any member, of either the Senate or House, that I know of, except, probably, Mr. Roush, who, of course, I was very intimate with.

Q.—When Mr. Roush and Mr. Dodge thought you had better send for Mr. McNamara, was it for the purpose of his using any improper influence in favor of Governor Booth, or money, or anything else?

A.—No, sir; not at all, sir.

Q.—But simply, as you have stated—legitimately, if possible, to reach Mr. Wright?

A.—Yes, sir. In the first place, Mr. McNamara spoke to me very highly of Mr. Wright as a man of integrity of character, and if any one had ever mentioned money to any gentleman of that character, he would have forbidden it, if he had done nothing else.

Q.—He is a man of large wealth, Mr. Wright?

A.—I believe so, sir.

Mr. Curtis—Mr. Hart, how long do you say you have known Mr. McNamara?

A.—I have never known him at all until he came up here.

Q.—Do you know anything about his financial standing; his pecuniary condition?

A.—I don't know anything at all about the man, whatever.

Q.—Do you know why it was that he should be so anxious to come up and engage in this fight?

A.—Nothing, except what I learned from his own lips. He felt a deep interest in the new party, and in the election of Governor Booth to the United States Senate.

Q.—Was he supplied with any money given to him, or using it in an illegitimate or improper manner; do you know anything of that of your own knowledge?

A.—No, sir; I don't.

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Q.—Are you acquainted with Thomas Nosler?

A.—Yes, sir.

Q.—How long have you known him?

A.—Fifteen or sixteen years, probably, in all.

Q.—Where does he reside?

A.—In San Francisco.

Q.—Was he here during this Senatorial contest?

A.—Yes, sir.

Q.—How long did he remain here?

A.—He was here, off and on, during the whole time, if not the whole time.

Q.—Did he ever request you to go into the Assembly and ask any member to come out that he wanted to see?

A.—He asked if I was acquainted with Mr. Ferguson, and I said that "I was." Said he, "Will you introduce me?" and I said, "I will;" and I said, "Mr. Ferguson, Mr. Nosler;" "Mr. Nosler, Mr. Ferguson."

Q.—Then, when you called Ferguson out, it was at the request of Nosler, to have an introduction?

A.—Yes, sir.

Q.—Did you say to Mr. Ferguson, when you went into the Assembly, that you desired him to go down into the Governor's room, to examine some papers with regard to the appointment of a Notary Public in Fresno County?

A.—I don't think I did.

Q.—And, in the hall, you met Nosler and introduced him, and passed on, and left Ferguson and Nosler talking?

A.—I introduced them in the hall. I don't remember using any such words at the time. I had called Mr. Ferguson once or twice down to the Governor's office to look at some papers, applications for the appointment of Notaries, and it may be possible that I said it then, but I don't recollect doing it then; in fact, I am pretty strongly of the impression that I didn't.

Q.—You didn't? Then you think, at the time you called Mr. Ferguson out, it was at the request of Mr. Nosler, that he might have an introduction to him?

A.—Yes, sir; for the very reason that I think I introduced him to Mr. Ferguson, and went back to the Assembly chamber.

Q.—Then your sole object in the matter was to introduce Mr. Nosler to Mr. Ferguson?

A.—Yes, sir.

Q.—Do you know why Mr. Nosler was so very anxious to be introduced at that time?

A.—No, sir.

Q —He never said a word about it?

A.—No, sir.

Q.—He was engaged in the Senatorial contest after that?

A.—I think he was; yes, sir.

Q.—Who was it wanted the appointment of Notary Public in Fresno, at that time that you wished Ferguson to see—either at that time, or any other time—do you know?

A.—No, sir, I don't; I can tell by looking at the books.

Q.—Do you know where he lives; whether at Millerton or Fresno?

A.—I think at Millerton; I am not certain; it may have been as to the applications; there are applications made, and they are generally referred to the delegation after they come in.

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Q.—Did you have a conversation with Mr. Nosler subsequent to your introduction of Ferguson to Nosler?

A.—No, sir.

Q.—Did he tell you what the conversation was between Ferguson and yourself?

A.—Well, I don't recollect whether he did that or not; I have asked him since.

Q.—Did you not know at that time, Mr. Hart, that that was the object of calling Ferguson out, that you wanted to introduce him to Nosler, and that Nosler might talk with him in reference to the Senatorial election? Was not that understood between you and Nosler?

A.—No, sir.

Q.—Nothing of that sort, at all?

A.—No, sir; not with a view of that; he desired that I would introduce him, and that was the only conversation.

Q.—Had you and Nosler ever talked about Ferguson before, about the possibility of getting him over?

A.—No, sir.

Q.—Can you account for how he asked you to call out Ferguson?

A.—Well, Nosler knew that I was acquainted with Ferguson; that Ferguson went to school with me when he was a boy, and he thought that I knew him.

Q.—Then there was an understanding between you and Nosler?

A.—No, sir.

Q.—That Nosler should talk with him about the Senatorial election?

A.—No, sir.

Q.—Nothing of the sort?

A.—No, sir.

Mr. Amerman—Mr. Hart, were you acquainted with Mr. McNamara's financial condition?

A.—No, sir; I didn't know Mr. McNamara at all until the day I met him up here—never knew of him or anything about him.

Q.—Do you know, Mr. Hart, who paid McNamara's expenses to Sacramento, and his expenses while he stayed here?

A.—Yes, sir.

Q.—You stated, I believe, in your examination in chief, that you told Mr. McNamara that so far as Mr. Wright was concerned that you would like to have his vote, but that Governor Booth would be elected without his vote, in any event?

A.—Yes, sir.

Q.—Had you knowledge, at that particular time, about how many votes Governor Booth would receive, and who would vote for him?

A.—State that last again, please; I didn't hear it distinctly.

Q.—Did you state to Mr. McNamara that so far as Mr. Wright was concerned you would like to have his vote, but, whether he voted for Governor Booth or not, Governor Booth would be elected? Had you any knowledge, at that time, when you made that remark to Mr. McNamara, how many votes Governor Booth would receive, or who would vote for him?

A.—I had that, and presumed, as most every one does who goes into a fight and counts on men he thinks would vote—I felt certain of sixty-three votes at that time, of course excluding Mr. Wright.

Q.—I believe that it is in evidence, Mr. Hart, before this committee, that Mr. McNamara—at least upon his second visit to Sacramento—came up at your request, on telegram?

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A.—Yes, sir; that is, he came up at my request upon his writing or telegraphing to me, if he should come up or not.

Q.—Had you any knowledge, previous to sending that telegram to Mr. McNamara, that he could influence any member of the Legislature to vote for Governor Booth?

A.—No. I didn't think that he could influence anybody—but from his conversation with me and his close relationship, as he said with Mr. Wright, and the situation that the Democratic caucus was in, I thought probable he might prevent him from going into the caucus. Of course my object or idea was to make that caucus as little as I possibly could, legitimately.

Mr. Norton—Was it understood between you and Mr. McNamara, and before he returned to San Francisco, that if you needed him you was to send for him—was that matter talked over between you?

A.—I think it was; but nothing definite.

Q.—Why did you telegraph, "Come immediately?"

A.—Because I wanted, that night, to prevent Mr. Wright going into the Democratic caucus, if I could. It was rumored that some changes were about to take place, and I wanted to weaken that caucus as much as I could.

Q.—I think you said, Mr. Hart, that you had ascertained, through McNamara, although you didn't see Mr. Wright yourself, that you could not change Mr. Wright?

A.—I presumed he could, or thought he could, and I was willing to try it as long as possible, and to leave nothing unturned that I could.

Q.—I understood you to say that that was the reason why he had been dismissed, and you said to him, he could go back, because you found his efforts with Mr. Wright were futile at that time?

A.—Futile at that time. They didn't succeed at that time.

Q.—If that was true, how was it you came to telegraph him, unless there was some pressing necessity?

A.—I telegraphed to him in reply to his letter or telegram. I didn't know but he had heard something—had more power than when he first came up, or found out something, or would be of more service than at first.

Q.—Did the friend who wrote to you in the first place state his (McNamara's) financial condition?

A.—No, sir.

Q.—Did you learn, during the contest, whether he was a man of means or not?

A.—No, sir; I never made any inquiries about him. He seemed to me to be a man of culture and education.

Q.—Who paid his expenses from San Francisco here, and his expenses while here, and his expenses while returning?

A.—I paid his expenses from San Francisco here, and back.

Q.—Out of your own money?

A.—Yes, sir.

Q.—What did his expenses amount to?

A.—Fifty dollars.

Q.—Who paid his expenses the second time?

A.—He paid his own expenses. I gave him nothing the second time.

Q.—By whose direction did you give him the fifty dollars; your own notion?

A.—Yes, sir; it was my own notion solely.

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Q.—Did Governor Booth know at the time, or has he since learned, that you paid McNamara's expenses to the extent of fifty dollars?

A.—No, sir; he does not know it to-day.

Q.—Did the friend who wrote to you in the first instance, request you to pay his expenses?

A.—Yes, sir.

Q.—He paid his expenses up? You didn't send money down to him to come up?

A.—I sent the money down to him.

Q.—Sent it by express?

A.—No, sir; I sent it by telegram. It was too late for the express.

Q.—He drew on you in San Francisco?

A.—Yes—no. I don't know how that is done. He drew on me, and the money was sent on to him, on his order.

Q.—Did you specify what amount?

A.—Fifty dollars.

Q.—Or did you learn afterwards how much he drew? Did you leave it blank?

A.—No, sir; I sent fifty dollars down to him, and informed him I had sent fifty dollars.

Q.—During the conversation you had with him here, did he say anything about the fifty dollars?

A.—Not a word.

Q.—Did you mention it to him?

A.—I did not.

Q.—When he came the second time—in response to your telegram, "Come immediately"—did you say anything to him about the expense of that trip?

A.—No, sir.

Q.—Was fifty dollars all the money you let him have?

A.—Yes, sir.

Q.—That came out of your private purse, as I understand you?

A.—Yes, sir.

Q.—Did any of Governor Booth's friends, who were intimately connected with you in the fight, like Mr. Nosler and Mr. Dodge, know of your having sent fifty dollars to Mr. McNamara to defray his expenses?

A.—I don't think anybody knew it; at least, I have never told anybody.

Q.—This is the first time you have made it known?

A.—Yes, sir.

Mr. Coggins—I did not exactly understand, with reference to the Democratic caucus. Had not Mr. Farley been nominated at the time Mr. McNamara came up the second time?

A.—Yes, sir.

Q.—Didn't you say the object was to have him keep Mr. Wright out of the Democratic caucus?

A.—Yes, sir.

Q.—Was there an object—was there to be a meeting; any additional caucus?

A.—There was an additional caucus; I learned it was for another purpose.

Q.—How many days before the election was that?

A.—I think it was two or three days before the election; two days, I think. Of course I can't be exact as to a day or two; but I give it to you as nearly as I can remember.

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Mr. Amerman—Mr. Hart, I understand you to say that on Mr. McNamara's second trip here you have no knowledge of who paid his expenses here, and while he was here, and on his return?

A.—No, sir.

Mr. Norton—Do you know how much money he had with him the second trip?

A.—I have no idea in the world. I never asked him any questions about money.

Q.—Did you talk about money?

A.—No, sir; didn't talk about it at all. The word money never escaped our lips in that connection at all. I sent for him, the same as I would send for any man that I thought could help my cause any, but only in a proper manner.

Q.—What caucus was it you say you refer to, Mr. Hart, when you say you wanted to keep Mr. Wright out of the Democratic caucus; the caucus had already been held, and Mr. Farley nominated, before he came the second time?

A.—I understood the caucus was to be held some two or three nights before the election, in which some trading was to be done between the Republicans and Democrats.

Q.—You learned that from rumor?

A.—Yes, sir.

Q.—That an alliance was to be formed?

A.—An alliance was to be formed, and my desire, of course, was to make that alliance, as far as Democrats or Republicans were concerned, to make each caucus as little as I possibly could.

Q.—To keep them from attending it?

A.—Yes, sir; to keep them out of it. I told Mr. McNamara that I thought, from the manner in which Mr. Wright was elected, and the position he had taken during the caucus, and from what I had heard, was such, that upon a reasonable judgment of the matter, he certainly could not go into any such arrangement at all.

Q.—He came by the Vallejo route?

A.—Yes, sir.

Q.—What time would he reach here? I am confining the examination to the second trip.

A.—About half-past nine.

Q.—Did you see him before he went to see Mr. Wright?

A.—I did.

Q.—Were you there at the train, waiting for him?

A.—No, sir; I saw him at the Golden Eagle Hotel.

Q.—Had you notified him where to find you—where you would be?

A.—No, sir.

Q.—He came right to the Golden Eagle Hotel?

A.—I presume so.

Q.—There you met him?

A.—Yes, sir.

Q.—Did you there spread out your idea about the second caucus?

A.—Yes, sir; I told him what I thought was in the wind.

Q.—You told him what you thought he had better try and do, with Mr. Wright, did you?

A.—Well, I left that entirely to Mr. McNamara. I didn't know anything at all about Mr. Wright, and he said he did.

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Q.—How long did he remain with you, at the Golden Eagle Hotel, at that time?

A.—For about, probably, twenty-five minutes.

Q.—Did he go right then to see Mr. Wright?

A.—I left him. I was sick and went home.

Q.—That, you say, was about half-past nine?

A.—Yes, sir.

Q.—When did you next see Mr. McNamara?

A.—I saw him the next evening.

Q.—The next evening?

A.—Yes, sir.

Q.—Did you talk with him about what he had said to Mr. Wright that night?

A.—I didn't ask what he had said. He told me, in substance, this: That he had conversed with Mr. Wright. Mr. Wright would like very much to come and vote for Mr. Booth, and didn't know but what he might do so before the election was over; but now he felt bound by his caucus ties.

Q.—Did you learn from Mr. McNamara that he had used all his supposed influence to keep him out of this supposed caucus that was going to be held?

A.—No, sir.

Q.—That being the main object you had in view, why didn't you talk with him about that, and see what Wright was going to do about this caucus that was in expectancy?

A.—Well, I didn't seem to think any more about it. He didn't seem to influence him, and I let the matter drop.

Q.—If Mr. McNamara didn't say a word to Mr. Wright that night about his keeping out of the Democratic caucus, he didn't fulfill his mission?

A.—No, sir; but I supposed he did, from his conversation with me that Mr. Wright could not leave the caucus; that he had seen Mr. Wright, and that Mr. Wright would like to vote for Mr. Booth, and thought he would do so before the election took place—at least that day he could not vote for Mr. Booth; but that he would rather vote for a caucus nominee.

Q.—Did he inquire of you who you thought most likely to be reached of the other members in the House?

A.—No, sir; he spoke of seeing Mr. Northup; but of that, nothing was ever said about it.

Q.—How did he ever come to speak of seeing Mr. Northup, he being a stranger to him and to you?

A.—I didn't understand; I thought he knew Mr. Northup; but our conversation was very limited—little or nothing was said.

Q.—You mean Northcutt?

A.—Yes, sir; Northcutt, of Sonoma.

Q.—He was acquainted with Mr. Northcutt, but not Northup, of Nevada?

A.—Yes, sir; Northcutt is the one I mean.

Q.—Did he say he was going to see Mr. Northcutt?

A.—Yes, sir; he said he would see all the Sonoma delegation; but I never asked him about any except Wright.

Q.—Did you learn what the result was?

A.—I think he saw Mr. Northcutt; but I never had any conversation with him about it.

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Q.—You have stated all you know about it?
A.—Yes, sir.
Q.—From beginning to end?
A.—Yes, sir.

Mr. Amerman—Mr. Hart, you stated that your main object in getting Mr. McNamara here was to break down the Republican and Democratic caucus, in consequence of a rumor you had heard that they were about to unite. As a matter of fact, do you know that the Republicans and Democrats did unite, so far as the Senator for the long term is concerned?

A.—I don't, sir.

Q.—Have you heard anything that would induce you to believe that any Republican—and when I say Republican, I mean the men of what are called the strict Republican party—have you any knowledge that would induce you to believe that any single member of the Republican party, straight, agreed to vote for any Democratic nominee for Senator for the long term?

A.—No, sir; I don't believe that I ever did.

TESTIMONY OF JULIUS H. MOTT.

JULIUS H. MOTT, called, sworn, and examined:

Mr. Summers—I will state the object of this investigation to be: to ascertain the facts, if possible, in regard to the alleged bribery and corruption charged against the honesty and honor of certain undesignated members of the present Legislature. Please state to the committee what you know, if anything, in regard to this matter, and answer such questions as the committee may deem proper to put to you in regard to this matter.

Answer—I don't know that I have any general statement to make. I should like to respond to questions.

Mr. Norton—Where do you reside, sir?

A.—I reside in Oakland.

Q.—What is your name?

A.—Julius H. Mott.

Q.—Were you here in Sacramento during the late Senatorial contest, Mr. Mott?

A.—Yes, sir; I was.

Q.—What brought you here; business?

A.—I came here to seek a position in the Legislature; as candidate for the position of Journal Clerk.

Q.—In the Senate or Assembly?

A.—Assembly.

Q.—How many days before the session commenced did you arrive in this city?

A.—Well, not more than a day or two, I think.

Q.—You remained here all through the contest?

A.—Well, nearly all; I went home once to Oakland, and returned again; I was here nearly all the time.

Q.—Are you acquainted with Governor Booth?

A.—I am somewhat; yes, sir.

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Q.—Was you acquainted with him when you came here, or did you form his acquanitance when you did come?

A.—I was acquainted when I did come.

Q.—Did you come here in his interests?

A.—No, sir. I came here in my own interests.

Q.—While you were here, did you work for the success of Governor Booth?

A.—I did; yes, sir.

Q.—With what men did you work?

A.—Well, with quite a number of men—that is to say, I conversed with them in regard to the question of the day—the Senatorial question—with quite a large number; almost every member that I made the acquaintance of.

Q.—Made yourself prominent in the contest, by way of electioneering for Governor Booth?

A.—Not particularly.

Q.—If you spoke to most of the members, it was quite a prominent position?

A.—Not all the members; all that I got acquainted with. I was acquainted with, perhaps, half the number.

Q.—Who did you do the most work with?

A.—It is difficult to say. I conversed with most of the members I got best acquainted with. If you desire me to say, I suppose I can mention twenty members.

Q.—Did you talk with Mr. Northup?

A.—Yes, sir.

Q.—What means did you use in endeavoring to convince him Governor Booth was the best man?

A.—I don't know that I spoke to him about it; my recollection is not positive; I said to Northup, and every other man with whom I conversed; used such arguments as I thought were proper in expressing my good opinion of the Governor as a man and as a reformer, and the exponent and leader of the people—especially on railroad questions.

Q.—How long have you been acquainted with the Governor?

A.—Personally, but a few months.

Q.—A short time?

A.—Yes, sir; I had, however, known him politically some time, and was at work for him when he run for the position of Governor.

Q.—Was you working in the election with Mr. McNamara?

A.—I don't know Mr. McNamara.

Q.—Do you know Mr. Hart?

A.—Yes, sir; not very intimate; I met him a few times.

Q.—Was you working with him?

A.—No, sir.

Q.—Do you know Mr. Dodge?

A.—No, sir.

Q.—Do you know Thomas Nosler?

A.—No, sir; I don't.

Q.—You was rather here on your own hook?

A.—On my own hook, individually; yes, sir.

Q.—Did you have much money to use in the contest?

A.—No, sir; I didn't use a cent.

Q.—Did you have any to use?

A.—I had enough to pay my own expenses; that is all.

Q.—I mean in the Senatorial contest?

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A.—No, sir; not one dollar.

Q.—Do you know of any money being used?

A.—No, sir; I don't.

Q.—Did you hear, during the contest, that there were offers of two or three thousand dollars for votes?

A.—No, sir. I didn't.

Q.—Have you learned of that since?

A.—No, sir; nothing only what I have seen in the daily papers in regard to this investigation.

Q.—Well, that apprised you of that fact, didn't it?

A.—Yes, sir. That apprised me of it; that was the first intimation that I had.

Q.—Did Governor Booth know you was taking such a prominent part in his contest?

A.—I don't know. I didn't consider the part I took as very prominent. I don't know to what extent he was aware of it. I said very little.

Q.—Did you meet him frequently?

A.—I met him two or three times while I was here.

Q.—Did you consult with him about it?

A.—No, sir; not at all.

Q.—Are you acquainted with Messrs. Wright and Northcutt?

A.—I think I know them very slightly.

Q.—Did you have occasion, during the contest, to try and persuade Mr. Wright to vote for Mr. Booth?

A.—I don't recollect that I did, sir. I may have done so; but I have no recollection on the subject. I can't recall the number of members with whom I spoke on the subject. I spoke whenever opportunity offered, as I had occasion, with those I met, and had occasion to. I didn't go out of my way to speak to any on the subject.

Q.—Had any one, either in San Francisco, Oakland, or Sacramento, notified you that money was to be used in the contest?

A.—No, sir; no one whatever.

Q.—And you say you know of no money being used?

A.—No, sir; I don't know of any money being used.

Q.—Or you don't know of any offers of money to parties to vote for Governor Booth?

A.—No, sir; I don't know of any such offer.

Q.—Money, or anything else?

A.—No, sir; money or anything else. I don't know of any offers of any kind whatever.

Mr. Amerman—Mr. Mott, Governor Booth, I believe, was elected on Saturday. Was you up here on that day?

A.—On the day he was elected?

Q.—Yes, sir?

A.—Yes, sir.

Q.—Was you here the day previous?

A.—Yes, sir; I think I was.

Q.—Do you know Mr. Richard Brown?

A.—I do—slightly.

Q.—On the day previous to Governor Booth's election, did you see Mr. Richard Brown come out of his room to the head of the stairs with any individual?

A.—I don't recollect.

Q.—Do you know Mr. Carter, of Yuba?

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A.—Yes, sir.

Q.—Did you see Mr. Carter, of Yuba, come out of Mr. Brown's room and go to the head of the stairs?

A.—I don't recollect that circumstance, sir; I don't recollect it.

Q.—If you had seen them would you have recollected them?

A.—Probably not, unless there was something—unless my attention would have been called particularly in regard to it. The fact that Mr. Brown, or any other employé of the House, was in conversation with Mr. Carter, or any other member, would not have attracted any particular attention.

Q.—You have no recollection of seeing Mr. Brown, or Mr. Carter, or any other member, parting at the head of these stairs?

A.—No, sir.

Q.—Did you see any two gentlemen at the head of the stairs, shaking hands with each other, and hear one of them say: "This is on honor, between gentlemen." Do you recollect of hearing such an expression at the head of the stairs?

A.—I don't recollect, sir.

Q.—Are you intimate with Mr. Brown?

A.—I never met him but on two occasions, and on one of those he insulted me very grossly, and without just cause.

Q.—Have you had any conversation with him since then?

A.—No, sir; except to deliver a message from a member of the Assembly afterwards, that he wanted to see him; none since, or none before.

Q.—Will you be kind enough to state to the committee in what manner Mr. Brown insulted you?

A.—Yes, sir. It was very early in the session, when he was a candidate for the position of Enrolling Clerk, and I for Journal Clerk. One day I desired to see him about something about his candidacy—something of no particular importance. We were in the hall, just outside of the Assembly chamber, and there were two gentlemen engaged in conversation with him, who seemed to be just on the point of leaving him, and I thought it would be a good opportunity, when they got through conversing with him. I stopped near him, about eight or ten feet away, just quietly waiting until they left. He saw me, and turned round and asked me what particular business I had to be listening to their conversation. I told him I was not listening. He asked me what I was standing there for. I said I wanted to see him, and he said he didn't want to see me. I considered that as very insulting.

Q.—In any interview you had with Mr. Brown, did Mr. Brown tell you that if you didn't leave he would slap your face.

A.—No, sir; he didn't.

Mr. Norton—Who were the two men that Mr. Brown was talking with at the time you allude to?

A.—I don't know; they were both strangers to me.

Q.—Was Mr. Carter one of them?

A.—No, sir.

Q.—They were both strangers to you?

A.—Yes, sir; whereas, Mr. Carter is familiar to me.

Q.—Were they members of either House?

A.—I think not.

Q.—That, then, was the only conversation you had with Mr. Brown?

A.—Yes, sir.

Q.—Except to deliver that message?

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A.—Yes, sir.

Q.—Did you have any conversation when you delivered the message?

A.—No, sir. It was a verbal message. I simply delivered the verbal message, and nothing more.

Q.—You had no intercourse with him any more?

A.—No, sir.

Q.—You are employed here?

A.—No, sir.

Q.—Did you remain in Sacramento or return to Oakland?

A.—I returned to Oakland, and have not been here since until to-day.

By permission of the committee, Mr. Brown was permitted to ask the witness a few questions.

Mr. Brown—Did you hear every word that I said?

A.—I don't know.

Q.—When I was addressing you?

A.—I didn't hear you use any such language.

Q.—You cast reflections on my veracity; for I swore that I stated to you that I would slap your face?

A.—I did not hear any such thing.

Q.—I would like to have you reply certainly that you heard every word I said before you got out of the reach of hearing.

A.—I am not positive about that. You were saying something; I don't know whether it was to me or the two gentlemen you were with. I didn't hear everything, or there was nothing to attract my particular attention. If you said it, I didn't hear it.

Q.—Possibly I spoke too indistinctly?

Mr. Amerman—I move to take a recess of fifteen minutes.

The motion was seconded.

Mr. Brown—I have prepared a little statement of the facts, in vindication of my character in this matter. I hope you will have the patience to read it over in time. I presume you will have an executive session here, and I would like to have you examine it. I expect it is too lengthy for you to incorporate in your report, but I would like to have you read it over, and for what it is worth, give it credit.

Mr. Amerman—I move the communication be received and handed to the reporter of the committee.

The motion was carried.

Mr. Amerman—I renew my motion to take a recess.

The motion was carried, and the committee took a recess at eight o'clock and forty-five minutes, P. M.

At nine o'clock, P. M., the committee reassembled.

Mr. Amerman—Mr. Chairman, I understand that one of the witnesses that were ordered subpœnaed by this committee has refused to come. I would, therefore, ask that the gentleman who was commissioned to subpœna him, Mr. Conroy, be sworn. After his examination, I shall move for an order to compel him to come.

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TESTIMONY OF M. C. CONROY.

M. C. CONROY, called, sworn, and examined:

Mr. Norton—What was the gentleman's name who refused to obey the subpœna, Mr. Conroy?

Answer—William Eugene McNamara.

Question—Did you serve the subpœna upon him yourself?

A.—Yes, sir; I served a copy of this.

Q.—Will you make a return upon the subpœna?

A.—I have just got back, and was about to make it.

Mr. Norton—I would defer the further examination of Mr. Conroy until the officer makes his return upon the subpœna.

TESTIMONY OF T. G. PHELPS.

T. G. PHELPS, called, sworn, and examined:

The Chairman—Mr. Phelps, I will tell you that the object of this investigation is to ascertain the facts, if possible, in regard to the alleged bribery and corruption against certain undesignated members of the Assembly, in regard to the late Senatorial contest. Please state to the committee what you know in regard to that matter, if anything, and answer such questions as may be propounded to you by the committee.

Answer—I know of no bribery, myself.

Mr. Norton—Where do you reside, Mr. Phelps?

A.—In San Mateo County, near Belmont.

Q.—Were you in Sacramento about the time of the Senatorial election, Mr. Phelps?

A.—Yes, sir; at the time.

Q.—How long did you remain here?

A.—I think some ——. I was here on two occasions; I think the last time about three or four days.

Q.—Did you take any active part in that Senatorial contest, Mr. Phelps?

A.—No; I cannot say that I did.

Q.—I believe you are a Republican, are you not, Mr. Phelps?

A.—Yes, sir.

Q.—One of what they called old line Republicans?

A.—Well, I have been called that, and never found any fault with it.

Q.—Justly so, too; you did not go off with the reform party, did you?

A.—No, sir.

Q.—When you were up here, Mr. Phelps, about the time of the Senatorial contest, did you take any active part in endeavoring to influence any member, either in the House or Senate, to vote for any man who was a candidate for the United States Senate?

A.—No, sir; I cannot say that I did. I had some considerable talk with one or two men, but I cannot say that I took any active part in trying to influence them one way or the other. I had a good deal of friendly talk with one or two members of the Legislature; only two. I think, perhaps, some casual talk with others; but only slight.

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Q.—Do you remember to have had a talk with any Senator, or legislator, not influencing him by any improper means at all—I don't ask that—but getting or influencing him to vote for any man for the United States Senate?

A.—No; I don't know that what I said could have been considered urging him at all. One of the Senators frequently talked with me about it, and we canvassed the whole proposition over; had a great deal of free talk, but I don't know that I attempted to influence him at all, and I don't know that I did influence him at all. I presume that I didn't. At the same time, I talked with him frequently, in a friendly way, the same way that I would with anybody on any proposition; and during the whole period of time we had a great deal of talk about it.

Q.—Was that talk in reference to his supporting any particular gentleman for the position of United States Senator?

A.—Well, it was in reference to supporting all that were candidates, pretty much.

Q.—All who were candidates for United States Senator?

A.—Yes, sir; that is to say, we canvassed the merits of all the men in a social kind of way.

Q.—Yes, sir; and then did you use your influence with him in reference to any particular one?

A.—Well, I can't say that I used any influence with him; I gave him freely my ideas.

Q.—In whose interest, Mr. Phelps, was you working or talking?

A.—Not specially in anybody's interest; more in the interest of what I considered the party and the subject, than in the interest of any man.

Q.—Did you urge any one to vote for Jim Farley?

A.—No, sir.

Q.—You didn't?

A.—No, sir.

Q.—Did you argue or suggest to any gentleman to vote for Governor Booth?

A.—No; I stated as my opinion, that under the circumstances, the best thing to be done was to vote for Booth; that, under certain circumstances, if I were a member of the Legislature I would vote for Booth?

Q.—Do you remember to have met a member of the Senate at your room, just before the Senatorial election, when you were in company with the Senator and Mr. Staples from San Francisco?

A.—Not in my room; I met them in the Senator's room.

Q.—In the Senator's room?

A.—Yes, sir.

Q.—Did they come from that room to your room?

A.—No.

Q.—Did they go from your room to the Senator's room?

A.—No; I don't think they were at my room at all.

Q.—Will you give the name of that Senator, Mr. Phelps?

A.—The Senator was Mr. Finney, that I have reference to.

Q.—Of San Mateo?

A.—Yes, sir; San Mateo and San Francisco.

Q.—Did you hear a conversation between Mr. Finney and Mr. Staples?

A.—Yes, sir.

Q.—In reference to the election of some gentleman to the United States Senate?

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A.—Yes, sir.

Q.—Who was the candidate that they were talking about?

A.—Well, principally, Mr. Booth.

Q.—Do you remember the conversation between Mr. Staples and the Senator, Mr. Finney?

A.—Well, I think I remember the substance of it.

Q.—Could you give the substance of it to the committee, Mr. Phelps?

A.—The substance of it was, on the part of Mr. Staples—that he thought the people were pronounced for Mr. Booth; he thought he was the best man among the candidates, and the people would feel the best satisfaction in his election—the greatest satisfaction in his election. That was about the substance of it.

Q.—Did Mr. Finney, in your presence, consent or state to Mr. Staples that he would vote for Governor Booth; that he had concluded that he would do so?

A.—Well, I cannot say positively that he did; but still, I am under the impression that he gave him to understand that he did make some such statement as that. He made a statement to me prior to that that he would, under certain circumstances, vote for Mr. Booth, and I think he repeated it to Mr. Staples.

Q.—He, before that time, had voted with the partisans of Mr. Shafter?

A.—He voted for Mr. Shafter.

Q.—Do you know, Mr. Phelps, of any moneys having been used in that election in any way?

A.—Not a dollar.

Q.—Or any checks, or promises either of office or hopes of reward in any way?

A.—Not at all.

Q.—Well, all that you know then was legitimate, such as one man would use to his friend?

A.—Exactly.

Q.—And no advance or approach was made in reference to using money, or corruption in any manner?

A.—No, sir.

Mr. Norton—Are you well acquainted with Senator Finney?

A.—Very well.

Q.—How far do you reside from where he resides in San Mateo?

A.—Oh, I suppose forty miles; more than that, probably forty-five.

Q.—Were you acquainted with his financial condition before the Senatorial fight came off?

A.—Yes, sir.

Q.—How?

A.—Yes, sir.

Q.—Was his farm mortgaged, and if so, to what amount?

A.—That I cannot say—the amount.

Q.—As near as you can, Mr. Phelps?

A.—Well, that I don't know. I know from Mr. Finney that his farm is not entirely paid for; but what the amount of incumbrance on it is, or whether it is in the shape of a mortgage, I don't know. Mr. Finney is a poor man.

Q.—It has been rumored, I understand, Mr. Phelps, that that mortgage was paid off soon after the Senatorial contest closed. Do you know whether that is true or not?

A.—I do not.

Q.—Was there anything said more than you have stated in substance;

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I mean at the interview held by yourself, Senator Finney, and Mr. Staples?

A.—No, nothing more in substance.

Q.—How many times did you meet the Senator there with Mr. Staples?

A.—On two occasions.

Q.—And talked about the contest?

A.—On two occasions; both times in Mr. Finney's room. On one occasion I went from Mr. Finney's room to Mr. Goodale's, and on both occasions we were, perhaps, together an hour. So far as Mr. Finney and myself were concerned, it was a continuation of the conversations we had had together. Mr. Staples came in merely to participate in what we had before talked of; but I presume I don't understand how much we had talked or what conclusion, in a neighborly, friendly sort of a way, we had come to.

Q.—Were you present, Mr. Phelps, at the time Mr. Finney did change from Shafter to Booth, and did you hear his reasons given in joint convention?

A.—No; I was not present in joint convention.

Q.—Were you here in the city at that time?

A.—Yes, sir.

Q.—You learned of it soon after?

A.—Yes, sir; read it in the papers.

Q.—Were they such reasons as you had supposed, from what Senator Finney had said to you, he would give, if he gave any?

A.—Well, I was rather expecting he would give reasons more in detail.

Q.—The substance of the reasons were just about the same as had been talked over between you in those interviews?

A.—Yes, sir; but we had talked to a greater length than that.

Q.—Then you did know that his farm was mortgaged?

A.—I understood so.

Q.—You don't know whether the mortgage has been paid?

A.—Yes, sir. I don't mean to say it has been paid; I understood there was money due on the farm, but whether it was in the shape of a mortgage, or what shape it was, I don't know.

Q.—You have not learned, you say, that since the Senatorial contest closed, that that incumbrance had been lifted?

A.—No, sir; nor did I know the amount of it.

Q.—Did you answer Judge Curtis that no offers of money, bank checks, gold notes, drafts, or anything else, were mentioned during these conversations?

A.—No, sir; nothing at all.

Q.—Nor no promise of place?

A.—Nothing was said that might not be said in this room, or anywhere else.

Q.—It was a legitimate conversation?

A.—Yes, sir. His reasons were ample, I have no doubt, in his own judgment, and certainly they were in mine. His reasons were ample for the course he pursued, and were amply sufficient to justify him in pursuing the course he did. I presume it is not necessary to detail them here, nor are they of any possible moment to anybody. He did not feel satisfied with the nominations that were made by caucus. He did not consider Mr. Shafter a representative Republican. I didn't. And he didn't favor any union between the Republicans and the Democracy. I didn't. So far we agreed; and so far as I tried to use any

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influence with him at all, I state most emphatically that I didn't think—it was, that he could not excuse himself for a Democratic candidate. It was talked—I don't know whether with any sort of foundation—I don't know whether with any truth or not—that there were a number of Republicans that would vote for the Democratic candidate. I didn't think there was anything to justify such a vote. It was that principally that I talked to him.

Q.—Those were the reasons urged by Mr. Staples, principally, in your presence?

A.—I don't know that that was mentioned. I think Mr. Staples' argument went more to the point—that the people had pronounced for Mr. Booth, and his election would give the greatest general satisfaction. I think that was the point made by Mr. Staples.

Mr. Amerman—Mr. Phelps, do I understand that you were present at the interview between Senator Finney and Mr. Staples?

A.—Yes, sir.

Q.—I believe that is in testimony—in the evidence before this committee rather—that at that interview Mr. Staples not only, but yourself, urged Mr. Finney to vote for Governor Booth?

A.—I think it is an error, so far as any statement that I at that time urged Senator Finney to vote for Mr. Booth. Mr. Staples certainly did urge him to do it. I had stated clearly to Mr. Finney before that time, that if any attempt was made to carry the Republican vote to a Democrat, that I should vote for Booth, in his condition; and I had heard him say prior to that time, that, under such circumstances, he would do it.

Q.—I understand, also, Mr. Phelps, that you say in the conversation with Mr. Finney that you didn't consider Mr. Shafter a representative Republican, as between Mr. Shafter and Governor Booth. Who was the representative Republican, in your opinion, of the Republican party?

A.—Well, I don't consider that either one of them was very much the representative of the Republican party, for Booth's defection from the Republican party was later simply. I know Mr. Shafter very well, and I am not aware that he has said or written a word in favor of the Republican party in ten years. I understand that he was prominent in the organization of the Greeley party. I don't consider such a man a representative Republican; nor did I consider Mr. Booth one at the time he was elected to the Senate.

Q.—I don't understand you to charge, Mr. Phelps, that Mr. Shafter was prominent in the Greeley movement, except from mere hearsay?

A.—That is my information; my information is that he voted for him also. I don't consider such a man a representative Republican.

Q.—I also understand, Mr. Phelps, from your testimony, that so far as any undue influence was concerned in relation to changing of Senator Finney's vote from Shafter to Booth, that you have no knowledge of anything of the kind being brought to bear upon Senator Finney?

A.—No, sir, I have no knowledge; and so far as I can reply to it, I am satisfied there was none.

TESTIMONY OF MR. CONROY—(RECALLED.)

"I hereby certify that I have served a copy of the within subpœna on William Nugent McNamara, at the City of San Francisco, at six

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o'clock and sixteen minutes P. M., February seventh, eighteen hundred and seventy-four, by delivering him a copy of the affidavit, showing him this, the original, and notifying him of the contents of the same.

"WILLIAM M. CRUTCHER.

"By M. C. CONROY, Deputy Sergeant-at-Arms."

That is the subpœna.

Mr. Norton—What did he say, if anything, when you served the subpœna upon him, Mr. Conroy?

Answer—He stated that he had not any money to get here, nor means, and wanted to know if I would pay his expenses up here, and while he was here, and back again. I told him that I was not authorized to do that, but that if he had not any money to get here that I would furnish him, out of my own means, sufficient to take him to Sacramento. I tendered him enough money out of it to come, or I told him to be at the boat on Monday morning (this morning), and he could come along with me, and the State would defray his expenses both ways so far as mileage was concerned, and I believed would pay him what was reasonable for his time, or pay him in the way of mileage. He said he didn't propose to answer. I said then you subject yourself to arrest. I have no power to arrest you, but said I thought that would be the result of it if you are not there. Well, we talked along in that strain for, perhaps, ten or fifteen minutes. My son was present and heard it all; he is a young man in his twentieth year; and I advised him—at least, he had better not fail. I forgot to ask him his full name, and I went back to his house after going about a block from there, and went up stairs in his room and met his wife and himself there, and he wrote his name out on that card (handing Mr. Norton the card.) There is his name—"William Nugent McNamara, 44 Third street." I told him again he had better not fail, and I had to go away then. I expected to go to Redwood City, and be back Sunday night; but I could not get back, and I sent my son to the boat to tender him the money, if he made his appearance; and they reported when I got back home from San Mateo, to-day, that he did not appear. He said that he didn't mind being arrested, and was willing to come if he had the means; and was willing to go and find a broker that would discount his claim against the State before it accrued. He wanted me to find a broker who would discount his claim against the State before it accrued.

Q.—You offered him enough money to pay his expenses here?

A.—Yes, sir; sent five dollars of money myself down, to pay it and his breakfast, and he was not there, and I offered him that that evening. I didn't have but two dollars more in my pocket. I had no money belonging to the State.

Mr. Amerman—Mr. Chairman, on behalf of the committee, I move that the committee report this matter to the House to-morrow morning, and ask for an order of arrest for Mr. McNamara.

Mr. Norton—I second the motion.

The motion was carried.

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TESTIMONY OF JOHN R. EARDLEY.

JOHN R. EARDLEY, called, sworn, and examined:

The Chairman—You will please state to the committee, Mr. Eardley, what you know in regard to the transaction between Mr. Carter and Mr. Brown?

Answer—All I know about it, gentlemen, is that myself and son were sitting in the office at the desk one morning—I don't know what day it was—and Mr. Carter and Mr. Brown came in. Understanding that there was some private business, I took my hat and walked out. That is all I know about it.

Mr. Curtis—Where do you reside, Mr. Eardley?

A.—I reside in Sacramento now, sir.

Q.—How long have you been living here?

A.—Since the commencement of the Legislature.

Q.—Where was your home before that?

A.—Gilroy, Santa Clara County.

Q.—What time did you come up here, Mr. Eardley?

A.—The Friday before the commencement of the session.

Q.—What brought you here, Mr. Eardley—what business?

A.—I came here to seek an office.

Q.—What office was it?

A.—The office of Enrolling Clerk, sir.

Q.—Did you come here in the interest of any gentleman connected with the Senatorial election?

A.—No, sir.

Q.—Did you take any active part in that contest?

A.—None whatever, sir.

Q.—You was a candidate for Enrolling Clerk?

A.—Yes, sir.

Q.—When did you become acquainted with Mr. Brown?

A.—After I arrived here.

Q.—Were your relations intimate with Mr. Brown?

A.—No, sir.

Q.—You were in his office through the day before the election of Senator?

A.—Yes, sir.

Q.—The day before the election was made?

A.—Yes, sir.

Q.—What business had you there that day, Mr. Eardley?

A.—I was there simply to do a little writing for myself.

Q.—You say that Mr. Carter and Mr. Brown came in together?

A.—Yes, sir—no, sir; Mr. Carter came up alone. Mr. Brown was in the office at the time.

Q.—Did you know that Carter was coming there.

A.—I didn't, sir.

Q.—I understood you to to say just now, that you understood there was to be some private business; how did you understand that?

A.—Mr. Brown told me that a friend of his was coming up. I didn't know who it was. He said he had some private business with him, and when the gentleman came in, I took my hat and walked out.

Q.—Did he tell you he wanted you to leave the office when the gentleman came in?

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A.—He intimated to me that he had a little private business.

Q.—Did he request you to leave?

A.—Yes, sir.

Q.—Requested you to leave the room?

A.—Yes, sir.

Q.—Was anybody else in the room?

A.—No one but my boy.

Q.—Did the boy leave?

A.—Yes, sir.

Q.—At whose instance did he leave?

A.—At mine, sir.

Q.—After Mr. Brown said to you that he had some private business with a friend, you took up your hat, and you and the boy left?

A.—Yes, sir.

Q.—Do you know what that private business is?

A.—I don't know, sir.

Q.—You don't?

A.—I have no knowledge whatever, sir.

Q.—Was there any agreement between you and Mr. Brown in reference to your candidacy for the office of Enrolling Clerk?

A.—Yes, sir.

Q.—What was it?

A.—It was that I receive the first position in the office—that I have one half the appointments in the office; the naming of them.

Q.—You were to receive one half of the pay in the office, and were to have one half of the appointments?

A.—He did promise me that, until I should receive my appointment in the office, that he would furnish me one half of his pay, or one half of his salary, until the appointment; but I released him from that promise afterwards, so it never was fulfilled.

Q.—Well, what was the condition on which he was to confer these favors upon you?

A.—The condition was, that one or two of my friends—several of my friends—should vote for him for Enrolling Clerk.

Q.—You were a candidate for Enrolling Clerk, and so was he?

A.—Yes, sir.

Q.—There was a condition further, that you should withdraw from the contest?

A.—The condition was, that if I didn't develop sufficient strength for the office, and was obliged to withdraw, that I should withdraw in his favor.

Q.—There was no condition about that. You would be forced to withdraw?

A.—Well, I didn't withdraw until I found that I could not get the office.

Q.—Then you made the best bargain you could with Mr. Brown, when you found that you could not be elected yourself?

A.—Yes, sir.

Q.—And you were to share one half the profits of the office?

A.—Yes, sir; to share one half the profits of the office, and receive the first position.

Q.—What was the first position?

A.—The first appointment.

Q.—He was to give you the first appointment, and then you were to have half the appointments from that time out.

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A.—Yes, sir.

Q.—You say you released him from that obligation?

A.—Yes, sir.

Q.—Are you now employed under him?

A.—I am now employed under him.

Q.—You are there occupying the position that you were to occupy according to agreement?

A.—Yes, sir.

Q.—Do you know of any money being used in this Senatorial election?

A.—None whatever, sir.

Q.—Do you know of any promise of office or reward?

A.—No, sir.

Q.—In the Senatorial election?

A.—No, sir; I was simply interested in the Enrolling Clerk's position; nothing more.

Q.—You say you afterwards released Mr. Brown from the agreement you had made with him?

A.—Yes, sir.

Q.—I understood you awhile ago that that agreement was being carried out, and that you had the first appointment?

A.—I said I had released Mr. Brown from the payment of one half of the salary.

Q.—What was the consideration, and why did you release him from that?

A.—Because I became satisfied, by consulting with several of my friends in the House, that it was illegal, and by their advice I did so.

Mr. Norton—Where did you and your son go when you left the office that morning?

A.—We went down in the Assembly chamber.

Q.—How long had you been alone there in the office when Mr. Carter came in—you and your boy?

A.—I don't know.

Q.—Had Mr. Brown been there that morning before?

A.—Yes, sir.

Q.—How long was he gone before he came back?

A.—He was not more than five minutes, I think.

Q.—About five minutes he was out?

A.—Yes, sir?

Q.—When he came back did he tell you that a friend had arranged to meet him there on special business?

A.—He told me a friend of his was coming up on a little private business.

Q.—On a little private business?

A.—Yes, sir.

Q.—Was that just the language he used?

A.—Well, I could not say positively; it was to that effect; that was what it meant.

Q.—And the friend came up?

A.—Yes, sir.

Q.—What did Mr. Carter say when he came in; you and Mr. Brown were sitting there?

A.—He didn't say a word, sir, while I was there. As soon as he came in I got up and walked out.

Q.—Well, you didn't walk out immediately?

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A.—Yes, sir, as soon as he came in. I think Mr. Brown intimated to me that that was the friend he spoke of to me.

Q.—How did he intimate to you?

A.—By speaking to me.

Q.—Well, then you waited until he spoke to you?

A.—Well, his coming in and my getting up were simultaneous.

Q.—Well, what did he say?

A.—Who?

Q.—Mr. Brown?

A.—Well, I can't remember, because I paid no particular attention to it.

Q.—As near as you can remember then?

A.—It was to the effect, this was the friend he had spoken to me about.

Q.—Your boy didn't start then?

A.—He went right out with me.

Q.—You say you told him to go out with you?

A.—Yes, sir; the boy was sitting writing at the desk.

Q.—When Mr. Brown stated that this was the friend he expected there on private business the boy didn't get up, did he?

A.—No, sir; because the boy was not sitting alongside of me; he was sitting at another table.

Q.—Was he within hearing distance?

A.—Yes, sir.

Q.—Did you go over to where he was—to the boy?

A.—No, sir.

Q.—Had Mr. Carter taken his seat when you went out?

A.—I cannot tell; I don't know; I didn't notice.

Q.—What was the condition Mr. Brown was in? Did he appear excited, or was he cool and calm?

A.—None whatever, sir; just as usual.

Q.—How long did you remain away before you came back?

A.—Not more than ten minutes.

Q.—Did you come up the same flight of stairs you went down?

A.—Yes, sir.

Q.—Did you meet anybody on the way?

A.—No, sir.

Q.—Do you know which way Mr. Carter and Mr. Brown came up, when they came up?

A.—No, sir. When I went back to the office, Mr. Brown sat at the desk writing.

Q.—And you was gone not more than ten minutes?

A.—I think not.

Q.—How did you come to remain away only ten minutes, when you knew he had a friend in the office about to transact private business with him?

A.—I went up to see if they had got through, and opened the door and found they had.

Q.—Didn't you consider that a little indiscreet, to rush back so quickly?

A.—No, sir, I didn't; I didn't know what the business was—had no idea, and didn't know how long it would continue, and I was doing a little writing there, and was anxious to finish it.

Q.—And when you got back Carter had finished?

A.—Yes, sir; Mr. Brown was alone.

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Q.—Sitting there alone?

A.—Yes, sir.

Q.—Did anything pass between you as to the interview between him and Carter?

A.—Not a word, sir.

Q.—He told you nothing about it?

A.—Nothing whatever.

Q.—Has he ever said anything to you about it since?

A.—Not a word, sir.

Q.—Has he said anything to you about it since this investigation commenced?

A.—Not a word, sir.

Q.—You never have had any conversation with Mr. Brown about it?

A.—No, sir; I didn't know when I saw the account in the paper that a gentleman and his boy were in the office; I had forgotten entirely the circumstance.

Mr. Amerman—Mr. Eardley, at the time Mr. Brown told you that he had a friend who was coming up there, were you employed in the office?

A.—No, sir.

Q.—How many men are employed in that office at the present time?

A.—Two, besides Mr. Brown.

Q.—Yourself and another?

A.—Yes, sir.

Q.—Mr. Brown has said nothing to you in relation to this investigation since it commenced?

A.—Nothing but what has appeared in the papers.

Q.—Well, will you be kind enough to tell this committee all that Mr. Brown has said to you since this investigation has commenced?

A.—I could not do it, sir.

Q.—Well, the substance of it?

A.—Well, the substance of it is, with regard to the matter between him and Mr. Carter, that he had made an expression to the effect that if he had two thousand dollars in gold notes, that he would be willing to pay it to insure the election of Governor Booth. That is all I have heard him say. I have heard him repeat that frequently; that was what he said.

Q.—I understand you to say, Mr. Eardley, that you released Mr. Brown from his provision to share half of the profits, or of the income of the office with you?

A.—Yes, sir.

Q.—What time did you release him from that promise; how long after Mr. Brown was elected Enrolling Clerk was that promise made? Was this relinquishment on your part made?

A.—As near as I can judge, it is about a month ago.

Q.—How long after Mr. Brown was elected Enrolling Clerk?

A.—Well, it would have been three or four weeks.

Q.—Before you had released him from that promise, Mr. Eardley, had you endeavored to enforce the promise made to you by him?

A.—I had become fearless that Mr. Brown wouldn't perform his promise with me.

Mr. Norton—Fearful, you mean?

A.—Fearful, I mean, that Mr. Brown wouldn't perform his promise with me; but he had no opportunity of doing that. There were no appointments authorized in the office, and consequently he had not had the opportunity of making any appointment as he had promised me.

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Q.—Is it or is it not the fact, Mr. Eardley, that subsequent to the promise made to you by Mr. Brown, to share one half of the profits of that office, you ascertained from some party, that so far as Mr. Brown was concerned, that the entire receipts of the office, accruing to him, had been promised?

A.—I had been informed so by several parties.

Q.—Had that anything to do with you relinquishing him from his promise made to you?

A —No, sir.

Q.—You did that—the relinquishment, voluntarily?

A.—I did that voluntarily.

Q.—Without any consideration whatever?

A.—Yes, sir.

Mr. Coggins—Mr. Eardley, when Mr. Carter came in did you know who he was?

A.—No, sir.

Q.—Didn't know he was a member?

A.—No, sir.

Q.—Before you left the Assembly chamber to return, did you see the same man enter the Assembly chamber?

A.—No, sir; I didn't know Mr. Carter at the time.

Mr. Norton—You not having business there in that office, before you had been placed there as deputy, I am a little curious to know why you rushed back on a private conversation. I want you to explain that to the committee?

A.—I was doing some work in the office. I was writing some letters.

Q.—Mr. Brown had taken the precaution to tell you before Mr. Carter came up—he also told you when Mr. Carter came up—that this was the friend that he was about to transact private business with?

A.—Yes, sir.

Q.—How was it that you returned in ten minutes back to the very place where you left him?

A.—Because I was doing some writing. I went back to finish my writing.

Q.—You had reason to believe, then, that the business that Mr Carter had could be transacted in ten minutes?

A.—I didn't know how long it was going to transpire. I simply went up to see if it was over.

Q.—Was your business so urgent as to require such hot haste in you to get back there? What were you doing?

A.—I forget what I was doing; writing some letters, I think.

Q.—Business letters?

A.—Yes, sir.

Q.—You are now back to the point of your sharing the profits. Up to the time you were appointed, did you or did you not share the proceeds of the office with Mr. Brown?

A.—I did not, sir.

Q.—Did he refuse to fulfill his word with you in that regard?

A.—Whenever I asked him——

Q.—Answer the question. Did he refuse to fulfill his promise with you in that regard—to fulfill it?

A.—To pay me one half?

Q.—Yes, sir?

A.—No, sir.

Q.—He didn't?

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A.—He paid me money whenever I asked him for it.

Q.—He did pay you money when you asked for it?

A.—He paid me for the work I did in the office.

Q.—At what rate did he pay you?

A.—Well, at no particular rate.

Q.—Did he pay you by the day or by the folio, for your writing?

A.—Well, he paid me by the month.

Q.—How much a month?

A.—He gave me during two months—I think he paid me a hundred dollars; I think it is.

Q.—During the two months?

A.—Yes, sir.

Q.—How long have you been in there as a deputy?

A.—Four days, I think, last week; he appointed me last week but one.

Q.—Did he pay you one hundred dollars in installments, or all at once?

A.—A little at a time; just as I asked him for it.

Q.—Did he pay you all the money you asked him for—your claim here for two months service?

A.—The first few days in the office——

Q.—He was getting eight dollars a day—drawing that from the Contingent Fund?

A.—Yes, sir.

Q.—And you were to have half of that?

A.—That was what he first promised me, until those friends I spoke to on the floor advised me to drop the matter.

Q.—Well, that was a month?

A.—A month, or three or four weeks.

Q.—Well, one hundred and twenty dollars—a month's pay—would be due you for thirty days service, at four dollars a day, if he had kept his word with you?

A.—Well, if I had not released him.

Q.—Well, you didn't release him until the four weeks expired. You didn't release him until you talked to your friends, and that was four weeks?

A.—Well, I never at that time understood when he paid me any money, that he should give me any more than he paid me.

Q.—When was it that you learned his pay had been pawned, as you state?

A.—Well, it was perhaps three or four weeks ago.

Q.—Was that before you had the talk with your friends, and they advised you to release him?

A.—No; that was afterwards. When I had the talk with regard to the salary question was before I heard anything of the circumstances of pawning which you speak of.

Mr. Brown—Were you not induced to release me from my promise from the fact of having represented to me, at the outset, that it would not be more than one or two weeks before I would get an assistant?

A.—Yes, sir. I did tell Mr. Brown, at the commencement of the session, that at every previous session that I had been acquainted with, there were assistants and Enrolling Clerks appointed within the first two weeks of the session.

Q.—And did you not state to me that I wouldn't have to divide my salary with you beyond a week or two?

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A.—Yes, sir, I did.

Mr. Amerman.—Will you tell the committee at what particular time since the session of the Legislature commenced, that you made this arrangement with Mr. Brown about dividing the salary.

A.—At what particular time; with reference to the commencement of this session?

Q.—Yes, sir?

A.—I think it was on the Tuesday before the Wednesday that the election took place.

Q.—The session commenced on Monday, did it not?

A —Yes, sir; but the election took place on Wednesday.

Q.—And you made this arrangement, I understand, with Mr. Brown, on Tuesday?

A.—Yes, sir, on Tuesday.

Q.—The second day of the session?

A.—Yes, sir.

Q.—Mr. Eardley, did you, from that time until the time that you released Mr. Brown from his engagement—were you, or were you not, under the impression that you were to receive one half of his salary?

A.—I was until I spoke with these friends of mine.

Q.—And that, I understand you to say, was about a month afterwards?

A.—Yes, sir; about three or four weeks; I don't know exactly what time.

Q.—And during all that time you remained under the impression that Mr. Brown would carry out his agreement with you, so far as the division of the salary was concerned?

A.—Yes, sir.

At twenty-five minutes past ten P. M. the committee went into executive session.

A communication was read which had been sent to Mr. Carter, from an unknown party, concerning Dick Brown.

At eleven P. M. the committee adjourned until Wednesday at seven o'clock.

FOURTH NIGHT'S PROCEEDINGS.

The committee met at ten minutes past seven o'clock P. M. Present—a full committee.

TESTIMONY OF B. C. NORTHUP—(RECALLED).

Mr. NORTHUP, recalled and sworn:

Mr. Summers—Mr. Northup, this matter has already been stated to you. It is in reference to the same matter. Please answer such questions as the committee may ask you

Mr. Norton—Have you read the testimony given by Thomas Hughes, with reference to his interview with you, Mr. Northup, about which you testified to the committee?

Answer—I have read a portion of it, sir.

Q.—Have you read the whole of it?

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A.—Well, I don't know that I have read the whole of any one article.

Q.—How?

A.—I believe I have read enough of it to satisfy me in regard to it.

Q.—Do you understand from the statement that you have read, that he distinctly contradicted your testimony?

A.—I think he did, in some respects.

Q.—I say, do you understand that he did?

A.—Yes, sir; I say I think he did.

Q.—The committee have been anxious, since hearing the testimony of Mr. Hughes, to give you an opportunity again to testify before them. Has your recollection been refreshed?

A.—Not at all, sir.

Q.—Do you wish to change any part of your statement made to the committee, in any particular?

A.—I don't think that I do, sir.

Q.—Then you still adhere to your former statement?

A.—I see that Mr. Hughes states that he has been acquainted with me since the first of June. I think the man is mistaken there; I don't think that I ever saw the man, to know him, until I was introduced to him in Sacramento.

Q.—It is not with reference to that point in his testimony that I sought to call you back. It was with reference to the particular discussion here in Sacramento, and what occurred at the Golden Eagle Hotel.

A.—I don't think I have any qualifications to make in regard to that—to qualify my statement at all, sir. As near as I can recollect, that was——

Q.—Do you now remember whether it was you, or Mr. Hughes, that spoke about going to Mr. Hughes' room? He says you went from the bar-room of the Golden Eagle Hotel—had been drinking there.

A.—I said, in my former statement, that I was going up the street, and met Mr. Hughes on the steps of the Golden Eagle. I could not swear positively whether we went in and took a drink, before going to his room, or not; but he asked me to go to his room. We might have taken a drink before going up.

Q.—If you took one drink, did you take more than that, at the Golden Eagle Saloon?

A.—I think not; to the best of my knowledge, I think not. I won't swear that I took one.

Q.—You have no distinct recollection about that event, then?

A.—I don't recollect, distinctly, that I took any drinks at all; I might have done so.

Q.—He says that the room was getting hot—a good many were smoking there—and he felt the effects of the liquor somewhat, and he asked you up to his room to smoke, or you asked him up. Did you light any cigars when you got to his room?

A.—I don't think I did, sir.

Q.—Did either one of you?

A.—I don't think we did.

Q.—Would you remember it if you had done so?

A.—I think I should.

Q.—How long did you remain in his room?

A.—I could not say we were there more than—anywhere from ten to

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fifteen minutes, probably; not over that. To the best of my recollection, not more than five; it might possibly have been ten.

Q.—Did he immediately broach the subject of the Senatorial contest, after arriving at the room. or had you spoken of that before?

A.—I don't think there was any conversation in regard to it before we went up there.

Q.—Did he close his room door or leave it open?

A.—The room door was closed.

Q.—Was he so intoxicated as to show it much to you?

A.—Well, I thought the old gentleman was pretty well under.

Q.—Was he so much intoxicated as to stagger when he walked?

A.—Well, I don't think he staggered, particularly; I don't know that I noticed his staggering; I noticed it some in his speech.

Q.—He says that he met you since that time, and you had a conversation about it, as I think you also testified that you talked to him, and that you admitted to him that it was all a joke—that you looked upon it as such—grown out of it. Is that true?

A.—I think I stated in my testimony——

Q.—Is that true?

A.—Well, you wait, and I will get to it.

Q.—Answer my question.

A.—I think I told the committee——

Q.—Wait a moment, sir. Answer my question.

A.—Well, sir; I don't know that I can answer that question now.

Q.—For what reason?

A.—Well, I will have to refresh my memory a little with regard to that. If you will let me alone I will tell you.

Q.—You are upon the stand, and are to answer such questions as are put to you. I will put none but legitimate questions to you.

A.—Put your question again.

Q.—He stated, and you admitted, that you met subsequently in the Golden Eagle Hotel, when he was on his way to San Francisco. He said that you admitted to him at that meeting that nothing would have grown out of that talk if you had not both of you been intoxicated, and that he never did try to bribe you to drop Farley.

A.—That is his conversation before he went to San Francisco.

Q.—This is before he went to San Francisco?

A.—Well, sir, there was nothing of that kind transpired between us at that time.

Q.—Has there any such thing as that transpired at any other time between you?

A.—Well, that is what I wanted to tell you, if you had allowed me to tell you; but you would not do it. Now, as near as I can recollect, I can give you the conversation that transpired between us since then.

Q.—Give that.

A.—It has been very short, and to the point, because I have kept away from Mr. Hughes. and did not want to have any conversation with him on the subject at all. I think I met Mr. Hughes, probably, on the day after he came down the last time—coming down through this park here, if I am not mistaken. He spoke to me, and I said—says I: "The probabilities are that we had both been drinking, or there would never have been anything of this kind happened." I says to him: "Mr. Hughes, I don't believe you ever had an intention to really bribe me." I think that is the only conversation that I ever had with Mr. Hughes about the subject since that time—since the Senatorial election—at all.

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To the best of my recollection that is the only conversation I ever had with him in regard to the subject of either one of us being in liquor at all.

Q.—And you adhere to your testimony about his making an offer to you in the room there?

A.—Yes, sir. I am not prepared to qualify that at all.

Q.—Three thousand dollars?

A.—He said that I could have two thousand dollars by dropping Farley.

Q.—I believe you said he didn't tell you by what authority he made that proposition?

A.—No, sir; I don't think he did.

Q.—How is it, Mr. Northup, that if you believed Mr. Hughes and his statements at that time, that you subsequently told him that you did not think he intended to bribe you?

A.—Didn't I make my statement here before this occurred, in the first place, that I did not think the old man really knew or thought what he was saying?

Q.—It is upon that ground, now, that you put it?

A.—Yes, sir.

Q.—That he was so intoxicated that he didn't really know what he was doing?

A.—Yes, sir. I still hold to that.

Q.—That stage of intoxication you must have noticed before you went to his room. He seems to recollect what transpired there, don't he?

A.—I haven't had any particular conversation with him about that.

Q.—I mean, on his way to San Francisco, when you had that conversation?

A.—He seems to think he said something there.

Q.—He remembers to have been in the room?

A.—Yes, sir; he seems to.

Q.—And he remembers that you were there?

A.—Yes, sir.

Q.—And that you had a conversation with him there?

A.—Seems to.

Q.—And remembers what you talked about?

A.—It doesn't seem that he does, altogether, by his testimony.

Q.—Did you talk about anything else than of dropping Farley, and getting two thousand dollars or three thousand dollars for it?

A.—No, sir. I have no recollection of anything else.

Q.—You have no recollection of it?

A.—No, sir.

Q.—He says you are the one who spoke about it.

A.—Well, he is a younger man than I am, and his recollection may be better than mine. Old people sometimes lose their recollection.

Mr. Curtis—You don't mean that seriously, Mr. Northup. You ought not to jest when you are testifying.

A.—I do, sir.

Q.—Do you mean that seriously—that he is a younger man than you are?

A.—Yes, sir; I mean that seriously.

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TESTIMONY OF THOMAS HUGHES—(RECALLED.)

THOMAS HUGHES, recalled:

The Chairman—You will please state to the committee, or answer any such questions as they may propound to you, in regard to this matter touching what has been said to you before.

Mr. Curtis—What is your age, Mr. Hughes?

Answer—I was fifty last November—the eleventh of November.

Q.—When did you first become acquainted with Mr. Northup?

A.—I think about last June, sir, at the county convention.

Q.—Were you a member of the convention?

A.—Yes, sir.

Q.—The convention that nominated him?

A.—Yes, sir.

Q.—Did you meet him afterwards in the canvass?

A.—In the canvass I met him, perhaps, two or three times.

Q.—Then you were acquainted with him before you came to Sacramento City?

A.—Yes, sir. I might have met him a half a dozen times. I don't recollect, you know, the precise number of times I met him in the campaign.

Q.—Were you engaged in the campaign on the same side of politics that he was?

A.—I was, sir.

Q.—Then you assisted, so far as a member of the party generally assists, at his election, did you?

A.—I did, sir

Q.—I think you stated to the committee the other night, Mr. Hughes, that you were not so drunk but what you knew what you were about?

A.—Well, I think I was not, sir; I think I was not.

Q.—Where did you stop, Mr. Hughes, when you were down here during the Senatorial contest?

A.—I stopped at the Golden Eagle Hotel.

Q.—Did you visit any places in the city?

A.—I visited all around—the saloons and hotels—I think.

Q.—I understood you to testify before the committee, the other night, that you were here in the interest of Mr. Casserly, first?

A.—I was here in my own interest first.

Q.—And his in the Senatorial contest?

A.—Yes, sir.

Q.—You were friendly to Mr. Casserly?

A.—Yes, sir.

Q.—Next, I think, to Mr. Finney?

A.—Yes, sir.

Q.—That is, only to the nominee of the Democratic caucus, no matter who he might be?

A.—Yes, sir.

Q.—Did you visit a place on the corner of Second and J streets, known as the "Sacramento Club-room?"

A.—No, sir.

Q.—Did you visit the Orleans Hotel?

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A.—Yes, sir.
Q.—Were you there at night?
A.—At night?
Q.—During the Senatorial contest, were you there at night?
A.—A good many times.
Q.—Were you there in the day-time?
A.—Yes, sir.
Q.—Were you acquainted with Thomas Nosler?
A.—Yes, sir.
Q.—Where did you make his acquaintance?
A.—Here.
Q.—Did you see him at the Orleans Hotel many times?
A.—Several times.
Q.—Did you ever go there to see him?
A.—No, sir.
Q.—Did you ever inquire for him there?
A.—No, sir.
Q.—Did you ever meet him there?
A.—Yes, sir, several times.
Q.—Did you ever have any conversation with him about the Senatorial contest then going on?
A.—No, sir.
Q.—Did you ever talk with him about it?
A.—No, sir.
Q.—Do you know which side Mr. Nosler was on, or what particular gentleman he was interested in?
A.—No, sir; only from what I heard. I heard and believed that he was one of Booth's friends.
Q.—Did you ever ask him anything about it?
A.—No, sir.
Q.—I understood you to say to the committee the other night, that you didn't know of any improper means having been used in the Senatorial contest for any person?
A.—I did not, sir.
Q.—I think I also asked you your reason why you should have left Mr. Farley?
A.—Yes, sir.
Mr. Norton—Mr. Northup still reiterates his statement that you offered him two thousand dollars, in your room, at the Golden Eagle Hotel, to drop Farley.
A.—That is not true, sir—that is, I have no recollection of any such thing, and I am certain it is not true. Mr. Northup, however, said I was very drunk getting into bed; but I think I never was drunk enough yet—you understand, as I told you the other night—to toot my horn the other way.
Q.—You still persist in that?
A.—Yes, sir, I do.

TESTIMONY OF A. G. ESCANDON.

A. G. Escandon, called, sworn, and examined:

The Chairman—Mr. Escandon, I will state that the object of this investigation is to ascertain the facts, if possible, in regard to the alleged

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bribery and corruption against the honor and honesty of undesignated members of the present Legislature, in the late Senatorial contest. If you know anything in regard to that, please state it to the committee, or answer any question that may be asked you by the committee.

Answer—Well, I suppose I can make a statement of what occurred three or four days before the election of Governor Booth.

Question—Just speak out so that the committee can hear it, Mr. Escandon.

A.—There was a young man, three or four days before the election—a young man who came from below—Mr. Jimenez, a Spaniard, he came along with me. He was a very strong Republican, and has lived with me all this time. And two days before the ballot came off, he said, Mr. Escandon, I wish you would vote for Mr. Booth. The people in the south would like him better than Mr. Casserly or any other man, said he, and I think you will get a good position, if you vote for him. I said, I didn't come here to get a position. I have got a position already. I am a member of the House, and I came here to vote for my man. I am a Democrat, and I was going to vote for it—whatever my party's nominees are. I am going for all my nominees He came to me the next night, and bothered me about an hour upon the same subject, and then I met Mr. Pacheco, and Mr. Jimenez left, and Mr. Pacheco asked me, as a favor—he said to me, Mr. Escandon, you are the only Spaniard in the House, and I wish you would do me the favor to vote for Mr. Booth, if you can do it consistently. I said, Mr. Pacheco, I can't do it. You will never be Governor by my vote. You know I am a strong party man, and I am going for my man, for Mr. Farley. Well, he says, all right, all right, I don't want you to go back on that, all right. And then in the night—the same night, about nine o'clock—Mr. Jimenez came to me, and begged me to go for Mr. Booth. He said that he was a nice man, and he was a good man. I told him, I know that he is a good man, and I know that he is a gentleman; I know he is a good man and a gentleman. Well, he insisted on it till twelve o'clock, and then I told him I am going to bed; then he commenced to talk again about the same subject, and I told him: "If you bother me any longer about this, you had better leave the room. I want to sleep. You will never get anything from me." Well, he left, and went to sleep in some other place that night. The next evening he says: "Mr. Escandon, you must not get mad with me; we were friends, and I know you are not a business man." He said, "there is a business in these things—there is plenty of business; I tell you, if you will promise to me that you will—" "I will what?" I says. "Well," said he, "that you will vote for Governor Booth; I can get some money for you, and money will do you good." "Well, money for what?" I said. "Well," he said, "if you will vote for Booth, I will introduce you with gentlemen to-night, if you will vote for him." I said, "I didn't come here to sell my vote." He said, "it is not sale, it is business; nobody can find it out, and you will get five or ten thousand dollars." "Well, sir, I don't want to see that man, and I don't want to see you any more. Don't you introduce me to that man, because, if you do it I will expose him to-morrow in the House, and will expose you, too." And, after that, he didn't bother me any more. This Mr. Marcello A. Jimenez lives at San Buenaventura now. And, four or five days after the election, he would go to some friends of mine in the House. I never say a word to nobody—never. Two or three days after Mr. Booth was elected, he go right in this city, in a private house, and he tell a lady, or two gentlemen, I mean—Mexican;

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one is a Mexican, and the other, I don't know what he is—his name is Barrer—William Barrer; he says: "Mr. Escandon is no man to do business." He says, "I can get money if he will vote. If he was inclined to vote for Booth, I know he can make five or ten thousand dollars." He says: "That man too honest to do business of this kind." That is the only thing I know about it—or whatever you call it.

Mr. Norton—Mr. Escandon, what is that man's name—the Spaniard that came to you? Speak it as plainly as you can, so that the reporter can get it.

A.—Jimenez. I can put him on a piece of paper.

Q.—You put it on a piece of paper.

[Witness writes "M. C. Jimenez."]

Q.—How many days before Mr. Booth was elected, Mr. Escandon, before he came to see you—this Spaniard?

A.—About three or four days before; but when he came to ask me it was two days before the election.

Q.—That was when he pressed you so?

A.—Yes, sir; when he pressed me that night.

Q.—Where were you that night, Mr. Escandon, at the time you told him he would have to go away if he didn't stop talking; you would have to show him the door?

A.—Right in my room, in the Empire House.

Q.—Was there anybody else with you in the room, or were you there alone—you and this man?

A.—He and me.

Q.—How long had he been with you that night, in the room, pressing you?

A.—Well, we had been talking two days.

Q.—I mean this night.

A.—O, 'till I was ready to go to bed.

Q.—Did you go together?

A.—Oh, yes, sir; we always eat breakfast, supper, dinner, together, and sleeping there.

Q.—Oh, he had taken up his quarters with you?

A.—Yes, sir.

Q.—Stopping at the same house, and sleeping with you?

A.—Yes, sir.

Q.—Well, at the first conversation you had he was a little mild, he didn't draw it quite so strong that night?

A.—No, sir; he had been working about it.

Q.—Working around it?

A.—Yes, sir; I told him he had better leave me alone, I cannot sleep sound, you bother me too much.

Q.—He didn't give you a chance to sleep of nights for his working you?

A.—No, sir.

Q.—Had you ever known this Spaniard—this gentleman, before?

A.—Oh, yes; I have known him this four or five months. I knew him two or three years ago, but only seen him once or twice.

Q.—But was not intimately acquainted with him?

A.—No; not until three or four months ago.

Q.—Where does he live now?

A.—At San Buenaventura. He is a Notary Public now. He was appointed the other day.

Q.—Has he been appointed since?

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A.—Yes, sir.

Q.—Has he been appointed Notary Public since the election of Governor Booth to the United States Senate?

A.—Yes, sir.

Q.—What friends did he have, do you know, that aided him in getting the appointment?

A.—I was one of them.

Q.—You were one of them?

A.—Yes, sir; before all these things transpired.

Q.—You asked for his appointment before all these things transpired?

A.—Yes, sir; Governor Pacheco and me went to Governor Booth about it, and asked for it before this happened.

Q.—You didn't know the real character of the man at the time you interceded to get him appointed?

A.—No, sir; I didn't know that.

Q.—You didn't know that he would stoop to a thing of this kind?

A.—No, sir; I never thought about it.

Q.—Have you since that time ever notified the Governor as to what transpired?

A.—No sir; I never did; never spoke to anybody in the world.

Q.—You kept this matter to yourself?

A.—Yes, sir.

Q.—You were annoyed a good deal about it, as he was persistent in his efforts to get you to vote for Governor Booth?

A.—Yes, sir.

Q.—How much money did he say you could make?

A.—From five to ten thousand dollars.

Q.—From five to ten thousand dollars?

A.—Yes, sir.

Q.—Did he tell you where this money was to come from?

A.—No, sir. He told me he would introduce me with some gentleman that night with the money. He would meet me if I would vote for Mr. Booth.

Q.—Did he tell you what gentleman he would introduce you to as the gentleman who would give you the money?

A.—I told him no. I didn't want to know the man. If he told me the name, or introduced the gentleman to me, that I would expose him in the House next day; and I told him I didn't want to have anything to do with him.

Q.—When you told the Lieutenant Governor, Pacheco, how you felt about this contest, that you were a friend of Farley's—a political friend—and stood by your party, and wouldn't have anything to do with it, he treated you as a gentleman, didn't he?

A.—Well, he said: "I want you to keep your honor, Mr. Escandon."

Q.—Was this other gentleman present at the time?

A.—He was present at the time I answered this to Mr. Pacheco.

Q.—Mr. Pacheco answered you in a gentlemanly manner?

A.—Yes, sir. He said: "You are the only Spaniard in the House, and I would like to have you vote for Mr. Booth, and Mr. Booth is a gentleman."

Q.—He offered you no such inducement to vote for him.

A.—No, sir.

Q.—Didn't hint at such a thing as an inducement?

A.—No, sir. If I could do it conscientiously, he would like to have me do it.

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Q.—What did you answer?

A.—I answered Mr. Pacheco, and Mr. Jimenez was there: "You say I am your friend, and you don't want to see your friend disgrace himself by voting for Mr. Booth."

Q.—Then it would be a disgrace to you?

A.—Yes, sir; a dishonor to me, and he said that was all right.

Q.—He said it was all right. He could not ask you to do that thing?

A.—Yes, sir; he talked to me very friendly about it, two or three times.

Q.—Were Governor Pacheco and this other gentleman together much during the contest?

A.—No, sir; very seldom.

Q.—He stayed by you, and stuck by you like a leech, didn't he?

A.—Yes, sir; come by me all time.

Q.—Did he come into the house during the day-time?

A.—Yes, sir; he was poor, and lived with me.

Q.—He was not a man of means, then?

A —No, sir; he was a very poor man.

Q.—When he talked about five or ten thousand dollars, it was quite a sum of money for this man to talk about?

A.—Yes, sir, and he said: "If I was in your boots, I would do it in a minute." He said, "I wish I was in your boots; I would do it in a minute."

Q.—He wished he was in your boots? I don't really understand, Mr. Escandon, what parties he told in town here—where they were located?

A.—The parties live on Second street, I think at J and K—Mr. Bauer. He is very well known here. It is number forty-seven.

Q.—I mean the name of the place?

A.—Mr. Jim Bauer. He used to be in the fire company. He is a one-eyed man.

Mr. Norton—He told him?

A.—Yes, sir. I don't know the word he used—"d—n fool; Escandon was no business man."

Q.—Not a business man?

A.—Yes, sir. "He had a chance to make money, and he didn't do it; he is a d—n fool." And that is the way Mr. Bauer and this other gentleman find it out, because I never told nobody anything about it, even Mr. Pacheco. I wouldn't tell him, and I can tell him most anything; but never would say about that anything to him or nobody else.

Q.—How long did the man—this Spaniard—stay with you, and room with you, Mr. Escandon, after he made you this offer?

A.—Oh, he stayed three or four weeks—four weeks.

Q.—He did?

A.—Oh, yes, sir; he stayed until three weeks ago.

Q.—Why was it, and how was it, Mr. Escandon, that you allowed a man of that character, after he had made known his purposes to you by an explicit offer to bribe you—how did you allow him to stay with you, and you feed him and take care of him?

A.—Oh, sir, I got a humane heart, and if I know there is bad man can't do anything, I got tender heart, and help him; but I always get rid of him as soon as I can.

Q.—You got rid of him as soon as you could?

A.—Yes, sir; in a gentlemanly manner.

Q —How is it, Mr. Escandon, that you didn't come to your brother members of the House, and report the man to them in the Assembly?

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A.—Well, I didn't suppose it was my duty to come there and tell about it, though he never tell me to keep the secret there; but I was ashamed to say anything about it.

Q.—You were ashamed to acknowledge it of your own countryman?

A.—Yes, sir. Some gentleman come to me, and tell me.

Q.—Didn't you feel, he being a countryman of yours, and most of the members here being Americans, that you hated to acknowledge it on that account?

A.—No, sir. He is not a countryman of mine. I am from Spain, and he is from Chile.

Q.—How was it that he sought you out, then, as an instrument to be used, you being against Booth, and in favor of Farley, if you were not on terms of familiarity with him when he came here—friendly terms?

A.—Well, I know the time he came here that he would work with any member to try to elect Mr. Booth. I know he was friendly to Mr. Booth. if he could.

Q.—What reputation does he bear in the neighborhood in which he lives, for truth and veracity, and honesty and integrity?

A.—Well, they always have a good deal of faith in him. I never heard anything bad of him.

Q.—They all have a good opinion of him?

A.—Yes, sir.

Q.—This is the first scrape that you ever knew of him being in?

A.—I always knew him in a gentlemanly way; never see anything wrong of him; and I suppose some of his friends tell him, you help us, and work for Mr. Booth.

Q.—Now, let us get back. Did he tell you it was any man in this city that would give you the money if you would consent to vote for Mr. Booth?

A.—He didn't mention what city; but he said he would introduce me to a man that night.

Q.—Did he tell you where the man was?

A.—No, sir.

Q.—But you, of course, inferred from his talk, that he was then in the city.

A.—Yes, sir; that is what I inferred. That was the time I told him I didn't want to see him, and didn't want to know him; and if he or any other person came to me and tried to bribe me in that way, that I would just report them to the House.

Q.—Did he pretend that Governor Booth knew anything about it?

A.—No, sir; never mentioned Governor Booth, only that he would like to see him succeed; that was all.

Q.—He would like to see him succeed, and was rather working to aid you to get five or ten thousand dollars for you for selling your vote?

A.—Well, I suppose that was his intention.

Mr. Coggins—Mr. Escandon, you say that you had indorsed him for this appointment previous to this attempt?

A.—Yes, sir.

Q.—Had you ever signed any written indorsement, or spoken verbally to the Governor in regard to him?

A.—I spoke verbally to the Governor about him. Mr. Pacheco and myself went there to see the Governor for him.

Q.—Had you signed any written indorsement of him?

A.—No, sir.

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Q.—Did you ever inform the Governor, or any of his friends, that you had ever had any reason to change your opinion of his character?

A.—No, sir, I never did.

Q.—Do you know whether the Governor had any information between the time of your indorsement and the time of his appointment—any evidence which would induce him to withhold the appointment?

A.—No, sir; I think the Governor knew nothing about it.

Q.—Had he the indorsement of any members of the Legislature that you know of?

A.—No, sir.

Q.—What had been his politics previously?

A.—Republican. Well, he came over here, and I know he was very poor, and if he was appointed, I offered to go five thousand dollars bonds for him; and he was appointed, and he never wrote me anything about it; and if he does, I will answer no. I took pains to give him some position. I thought he was a poor man, that he was a man like me. I thought he was a man. I didn't think he would try to work to bribe me. I thought he would try to work and help his friend—that was all right; to help his party.

Q.—He still remained these five or six weeks, still remained with you at the desk, and in the Assembly chamber, in such a way as to lead any person to infer that you were friends, and that he still had your indorsement?

A.—Yes, sir. For I got something in my heart, that I never forget it. He was poor.

Q.—I want to learn if anything was exposed or said, that would lead anybody in Governor Booth's office to suppose that there were reasons for withdrawing the appointment?

A.—I don't think but if I had went to the Governor and told him what transpired, that he would not appoint him; but I never say a word to nobody. I never say a word about what I know. I went to the Governor, with Mr. Pacheco, and he said Mr. Jimenez is a good man. He was a Republican down there, and very well thought of by the Spanish neighbors, and the English; and the Governor agreed to appoint him; and I told him it would be difficult to get a bondsman there, and I said I will give you five thousand dollars bonds, and I will get you the others, and it would be all right; but since he spoke to me that way, we didn't get on very good terms. We said nothing, but he never asked me for bonds, and I don't think he will get any from me.

Q.—Have you any reason to believe that he approached any other member.

A.—No, sir.

Q.—Do you think that he rendered any services in the Senatorial contest that was successful, that would be likely to gain the appointment?

A.—No, sir; I don't think that was the case. I think Mr. Pacheco and me got it for him, and it was through my efforts and Mr. Pacheco's, with the Governor, that he agreed to give him the appointment, because a week or two or three—as soon as we arrived here—that was in December—early in December—we saw him.

Q.—Did you say a few minutes ago that you had continued to pay his expenses here since his appointment?

A.—Yes, sir. Well, sometimes I invite him to come take dinner with me; to dine with me. I know he got no money, and I don't want to see him go around hungry.

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Q.—Did he appear to have any more money when he went away than when he came here?

A.—No, sir. He said Mr. Neff and Graves, and several other gentlemen in the Senate, would do anything they could to give him a place in the Senate, so he could make two or three hundred dollars to go home. He said he had friends delayed him here, and he stayed, and if you are intent you will get the position. He said that to me, and I told him all right. He said there was a good show to get a position there.

Mr. Amerman—Mr. Escandon, I understood you to say that Governor Pacheco went with you to Governor Booth to solicit this appointment?

A.—Yes, sir.

Q.—You also say that Mr. Jimenez was a Republican?

A.—Yes, sir.

Q.—That he came up here and was working with Republicans, or some other party?

A.—Well, he worked for Mr. Booth. I didn't see that he worked for any other party. I got mad because he begged me two or three days to vote for him—well, not two or three days, but the last few days before he was elected, I had a regular talk with him every minute.

TESTIMONY OF JAMES DIXON.

JAMES DIXON, called, sworn, and examined:

The Chairman—Mr. Dixon, the object of this investigation is to ascertain the facts, if possible, in regard to alleged bribery and corruption, against the honor and honesty of undesignated members of the present Legislature in the late Senatorial contest. If you know anything in regard to that matter, you will please state it to the committee, or answer such questions as may be propounded to you by the committee.

A.—Any question they may ask me I would like to answer.

Mr. Norton—Were you here during the contest?

A.—Yes, sir.

Q.—During the fight?

A.—Yes, sir; I was here during all, except the time—I think it was up to the time Mr. Booth was elected; I was not here all the time.

Q.—Where do you reside?

A.—Sonoma County.

Q.—Where?

A.—In Sonoma County.

Q.—Do you know Mr. McNamara, of San Francisco?

A.—Yes, sir.

Q.—Did you have any conversation with him about the Senatorial contest.

A.—I did.

Q.—How?

A.—I did.

Q.—When and where?

A.—I think it was either one or two days before the election, that is, the day of election, before Mr. Booth was elected.

Q.—Where did the conversation occur?

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A.—A part of it in the Golden Eagle Hotel, a part of it here.

Q.—In the public room at the Golden Eagle Hotel, or in some private room?

A.—In the public room.

Q.—Did he approach you upon the subject, or you open the conversation with him?

A.—No; I think I was introduced to him by Mr. Wright.

Q.—You were introduced to him by Mr. Wright of Sonoma?

A.—Yes, sir.

Q.—Did he broach the subject of the Senatorial contest to you?

A.—I think, as well as I remember, that that was a part of the subject of our conversation.

Q.—What did he say to you about it there?

A.—Well, I understood from him that he was up here working for Mr. Booth.

Q.—Did he so state to you?

A.—He did.

Q.—Working for Mr. Booth; did he ask you to aid him?

A.—He did not.

Q.—Did he say anything else except that—that he was working for Mr. Booth?

A.—We talked on different topics.

Q.—I mean about the Senatorial fight?

A.—No; not that I remember now.

Q.—Did he at the conversation he had with you here, at the Capitol?

A.—He did. I met him the next morning at the Capitol steps; I think it was nine o'clock. I think, as well as I recollect now, it was the next morning after the night I was introduced to him. He told me he was up quite late the night previous, and that he had secured a vote for Mr. Booth.

Q.—Did he tell you how he had secured it?

A.—He did not.

Q.—Did he tell you who the voter was?

A.—He did.

Q.—Who was it?

A.—Mr. Morgan, of Sierra.

Q.—Did he tell you that he had secured it since the time he had left you at the Golden Eagle Hotel, and before he met you at the Capitol?

A.—Yes, sir.

Q.—He told you that he had been up late that night?

A.—Yes, sir. I think, now, he told me he was up till one o'clock.

Q.—Did he tell you where Mr. Morgan was, when he got his promise to vote for Mr. Booth?

A.—He did not.

Q.—Did he say anything more to you about it, than what you have stated?

A.—The conversation we had then, he told me—I was just coming in on the steps—it must have been about nine o'clock in the morning. He made the remark that he was waiting there to see Mr. Hart.

Q.—He was waiting there to see Mr. Hart?

A.—Yes, sir.

Q.—And in the same connection stated that he had secured a vote for Mr. Booth?

A.—Previous to that he had told me.

Q.—Was that all he told you in that conversation?

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A.—That was all. We may have had some other trifling conversation that I do not remember.

Q.—He did not tell you how he had secured it? Whether he had used any undue influence, money, checks, or things of value, or promises of place or position?

A.—No, sir.

Q.—Said nothing about that?

A.—No, sir; he did not during our conversation. Simpson came in, and he went to Mr. Hart's office, or the Governor's office. I went into the Assembly chamber.

Q.—Were you here when the final vote was taken for Senator?

A.—I was.

Q.—How did Mr. Morgan vote?

A.—He voted, I think, for Mr. Shafter.

Q.—So that Mr. McNamara had not secured Mr. Morgan's vote?

A.—It appeared so.

Q.—Are you acquainted with Mr. Morgan?

A.—I believe I am, slightly.

Q.—Did you ever have any conversation with him about it?

A.—Never.

Q.—Is this all that you know about the Senatorial contest?

A.—That is all I know about it.

Q.—That would be of any value in this action?

A.—That is all, except——that is all that I know personally.

Q.—Well, we are not conducting the examination upon strict legal rules. Have you heard from responsible parties?

A.—I heard, from Mr. Wright, what Mr. McNamara said after Mr. Booth was elected.

Q.—Mr. Wright told you the statement, the same he has given here to the committee?

A.—The statement Mr. Wright afterwards made, was that Mr. McNamara said what the man had lost by being too slow; that he didn't vote in time for Mr. Booth; that he was to vote on the next ballot for him.

Q.—That was about as Mr. Wright stated it to the committee?

A.—Yes, sir.

Q.—That is all you do know about it?

A.—Yes, sir.

Mr. Curtis—You were not residing here, were you, Mr. Dixon, at that time?

A.—Residing here.

Q.—In Sacramento?

A.—I was here as a member.

Q.—I say your home was not here; you were here as a member?

A.—Yes, sir.

Q.—Do you know of any person speaking to you; do you know a man by the name of Thomas Nosler?

A.—Yes, sir.

Q.—Did he ever speak to you about the election?

A.—He did.

Q.—What was that conversation, Mr. Dixon?

A.—He told me one evening, in the Golden Eagle Hotel, he gave me to understand that he was offered three thousand dollars for his vote.

Q.—We are speaking of Nosler?

A.—Oh, Nosler, I don't know.

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Q.—You know Mr. Northup?
A.—Yes, sir.
Q.—What was it he said to you?
A.—He said he was offered three thousand dollars, or could get three thousand dollars for his vote—to vote for Mr. Booth, was what he said.
Q.—Did he say who had offered it?
A.—He didn't
Q.—Did any person ever speak to you about your vote, Mr. Dixon?
A.—No, sir.
Q.—You don't know Nosler, you say?
A.—No, sir.
Q.—Did you ever have any conversation with Mr. Hart?
A.—Mr. Hart?
Q.—The Governor's Private Secretary?
A.—Nothing but a few words that morning, after I was introduced to him. I had a few words with him.
Mr. Coggins—Mr. Dixon, how many ballots occurred after you had this conversation with Mr. McNamara?
A.—How many ballots?
Q.—For Senator?
A.—Do you mean on that day?
Q.—Well, altogether, after the conversation; do you recollect?
A.—I think that was the morning of the day that Mr. Booth was elected; as well as I can remember.
Q.—Did you take particular notice, after he told you that he had secured Morgan's vote, who Morgan did vote for, so as to be able to tell positively?
A.—I do not know that I did.
Q.—Are you prepared to say, positively, now, whom Morgan voted for?
A.—I could not from my own knowledge, and the observance I took of the matter.
Q.—In the conversation with Mr. McNamara, did he give any hint that he had money to use in the contest—anything from which you could infer that he had money?
A.—Never.

TESTIMONY OF R. KLOTZ.

R. Klotz, called, sworn, and examined:

The Chairman—Mr. Klotz, I will state to you the object of this investigation is to ascertain the facts, if possible, in regard to alleged bribery and corruption against the honor and honesty of undesignated members of the present Legislature, in regard to the late Senatorial contest. If you know anything in regard to this matter, please state to the committee, or answer such questions as they may ask you in regard to the matter.
Answer—I know nothing.
Mr. Norton—Were you here all through the contest, Mr. Klotz?
A.—Yes, sir.
Q.—You are a member of the Assembly?
A.—Yes, sir.

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Q.—From Shasta?

A.—Yes, sir.

Q.—You had determined whom to vote for for the United States Senate before you came here, had you?

A.—Yes, sir; that is, there was some circumstances might change my vote.

Q.—Circumstances might change your vote?

A.—Yes, sir.

Q.—You had your mind settled up before you left home?

A.—Well, the first place, there was some charges I had seen brought up in the papers. Casserly I intended to vote for.

Q.—But you saw these charges in the paper?

A.—Yes, sir; against Casserly. I went to Shasta before I came down. I talked with some friends of mine about these charges, and I told them I would very likely see Casserly, and if he could not clear himself satisfactorily to me that very likely I would not vote for him. I should want to see him first.

Q.—To what political party do you belong?

A.—Let me tell you.

Q.—To what political party do you belong?

A.—Democratic. I had said in Shasta County last Fall, when I was asked, I did no electioneering. I went to two places in that county—to several places. I went there on account of business, and the business was this: I wanted to see if I could ship some doors and windows there, being as I had never shipped any yet, and my friends wanted me to do something and let the people see me, and I went there to satisfy them more than myself, and when I would be asked whom I would vote for for Senator, I told them I would vote for Casserly, and in case we could not elect him, if the chances would not be strong enough, I would vote for Booth, if he was strong enough, in order to beat the third party, which was the Republican party; that very likely they would have Gorham, and then I would vote for Booth.

Q.—In preference to Gorham, you would vote for Booth?

A.—Yes, sir, or any other man besides Gorham in the party.

Q.—You came down here and was in this Senatorial contest with the balance?

A.—Yes, sir; not quite so much, I guess, as some of them.

Q.—Not quite as deep, perhaps. You were here, however?

A.—Yes, sir; here; always here.

Q.—They knew where to find you. Where were you stopping?

A.—I was living over here, between Ninth and Tenth, on N.

Q.—So you did not have to go down town much?

A.—No, sir, I did not have to go down town much.

Q.—Did anybody approach you during the contest on the subject?

A.—No; I have talked with some of my friends here; men who knew what I had said in Shasta before I came here; and that I would vote for Booth; when I came down here, those men knowing that I would vote for Casserly. When he withdrew, they allowed, according to the promise I had made in Shasta, that I should go right straight for Booth. Well, I didn't see it in that light; but in case the Democrats nominated a man that suited me, I would go for him; which I did. I said so in caucus, before the nomination was made, that I would go into caucus, and if they nominated a man who was a true Democrat, and true on the anti-monopoly question, why, I would vote for him. In case, though, that we could not elect him, that I should vote for Booth.

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Q.—Who approached you and talked with you about it most particularly of all?

A.—Well, there is Mr. Baehr and Carlston, and, I believe, Mr. Taggart.

Q.—Grant I. Taggart?

A.—Yes, sir.

Q.—What did they say to you about it?

A.—They said that if I had voted for four days I should surely now fulfill my promise.

Q.—That you had voted four days?

A.—Four days; I saw I could not elect Farley; they allowed I ought to vote for Booth.

Q.—Did they ever hold out any inducements to you?

A.—No, sir.

Q.—Money?

A.—No, sir; not any inducement whatever.

Q.—No inducement?

A.—No, sir.

Q.—As any present, here in Sacramento or elsewhere; hold out any such inducement to you?

A.—No, sir.

Q.—So that you have not been improperly approached?

A.—No, sir.

Q.—The men came out and reasoned with you, and electioneered for their favorites?

A.—Yes, sir.

Q.—That was the extent of it, was it, Mr. Klotz?

A.—Yes, sir. And on the last thing I will state a little more now. As I told once in the House here before, that I dared any man in Sacramento City—I am the last one that changed and voted for Booth—and I dared any one to say that he knew I was going to vote for Booth; and I left those men and shook my head that morning, that I would not vote for Booth; but when I got into the House I changed my mind. The first man I told was Mr. McMurry, the Senator from Shasta County and Trinity. When he took his seat beside me, I said, "Mac, I am going to vote for Booth." He said, "My God, Mr. Klotz, what do you mean, as a Democrat?" I said, "I don't know what I mean, but I know what I am going to do." And I done it; and whatever I done, I am responsible for, all alone, and none else.

Mr. Curtis—You say you came down as a Democrat from your county?

A.—Yes, sir.

Q.—Did you go into the Democratic caucus?

A.—Yes, sir.

Q.—Was present when Farley was nominated?

A.—Yes, sir.

Q.—Participated in the caucus, engaged in the caucus contest, and voted for him in the caucus?

A.—No, sir, I did not.

Q.—You agreed to abide by the selection of the caucus?

A.—Yes, sir.

Q.—How many days did you vote for Farley in the joint convention?

A.—Four days—that was three days you might say. There was no joint convention the first day—Tuesday, Wednesday, Thursday. Tuesday, Wednesday, Thursday, wasn't it? Friday, that makes three.

Q.—How many times did you vote for Farley in joint convention?

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A.—In joint convention?

Q.—Yes, sir.

A.—Three times; we only took a ballot each day, I think.

Q.—How many days did you vote for Governor Booth for Senator?

A.—Only once.

Q.—What was it you said changed your mind?

A.—Sir?

Q.—What was it that brought you over to vote for Booth?

A.—Well, the Senate had sent in a resolution to adjourn. I think it was the sixth—I have got it in my scrap book for January—and I came to the conclusion—I did not go down town—I came to the conclusion this way: If they did adjourn, to go home, that there might be a plan rigged against the time we got back here. Booth and Farley would be beat, and some one else would be rung in, which I didn't want. For that reason, I voted for Booth when I had a chance to elect him.

Q.—Did you read an article in the *Shasta Courier*, with reference to your course in joint convention?

A.—Yes, sir.

Q.—You rose to a question of privilege on that?

A.—Yes, sir.

Q.—Do you remember the reason you gave to the House for changing?

A.—Yes, sir.

Q.—Was it the same you now give?

A.—Yes, sir.

Q.—You was afraid, if the Legislature adjourned over before electing a Senator, that when they assembled again, there would be some plan rigged by which both Booth and Farley would be beat?

A.—Yes, sir.

Q.—Then you were willing that either Farley or Booth should be elected?

A.—Yes, sir; Farley was my choice.

Q.—And you thought that by dropping Farley and electing Booth you would defeat them?

A.—Yes, sir.

Q.—Did you know of any such plan?

A.—No, sir.

Q.—Why, then, did you think that the Legislature adjourning a few days would have a tendency to beat Farley, who is your party man?

A.—We had lost the four days then, when we started in, and I didn't see what the reason was to adjourn. There was another reason. I will tell you this: I had promised the people of Shasta County, so far as I was concerned, to make no more unnecessary expenses in this Legislature, as what was actually necessary. Now, I had said, there are four days, and I knew while we had that in the House, we did but very little, and I voted for Farley, and on the fourth day we had less than when we started in, and I did not see any use to vote any longer, and I thought, if my vote would elect him, I would vote for Booth that day, because I could not see any chance to elect Farley, and I saw no use to adjourn without electing a Senator. That was another reason.

Q.—Then those two reasons governed you in that action?

A.—Yes, sir; and I acted on it the same day; I stuck to it to the very last day, and I made the remark that I would sit there until twelve o'clock that night, if I could elect a Senator. I wanted to elect one and go to some other business.

Q.—Well, you did vote for Hagar all the way through?

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A.—Yes, sir; from beginning to end.

Q.—Then you did not have in your consideration—in your mind—about the expense?

A.—Well, you see after we elected Booth the House did not adjourn then, and whatever time an adjournment came up we voted against it, and it gave us a chance to vote for Hagar. It looked to me the members were not so anxious to adjourn after we elected Booth, as they were before.

Q.—They stuck to Hagar as they did to Booth?

A.—They did not take so much interest in it. It seemed to me they wanted to adjourn to gain time. I don't know much about it, and I may be wrong.

Q.—Those gentlemen solicited you to vote for Governor Booth for the office of United States Senator. You say nothing was said to you that was improper; they were urging the claims of their friend in a legitimate political manner?

A.—Another thing I wish to say: I worked for Farley as hard as almost any man in the House, with parties which I talked to, which I seen afterwards that they were astonished that I went the other way.

Q.—They were astonished that you went the other way?

A.—Yes, sir.

Q.—That is what so much astonished them?

A.—I said, "when we are with the hounds you must hound, so long as you can." What I meant by it was: we must keep up our side as long as we could, and I thought we were beat, yet I stood out and had as much confidence in it as any one.

Q.—Then you never thought of leaving Farley until you lost votes?

A.—No, sir.

Q.—How many votes had he lost before he lost you?

A.—I think four.

Q.—You were the fourth man?

A.—Either the fourth or the fifth; I am not sure; the papers will show.

Q.—When you were talking to these gentlemen, was Mr. Taggart a Booth man; did he urge you to vote for Governor Booth?

A.—He told me this: That I had made such a promise to the people of Shasta County, that, if we could not elect Casserly—that was the remark made, in Shasta County, at that time, before the election—that I would vote for Booth. Now, he allowed that I ought to have been convinced that we could not elect Farley, which I took in place of Casserly, and, in order to fulfill my promise, that I ought to vote for Booth.

Mr. Amerman—Mr. Klotz, was that the understanding with the Democrats of Shasta County, that it was to be Casserly first and Booth next?

A.—I think it was.

Q.—Was that the understanding of any Democrats who were here to participate in the joint convention?

A.—Well, if I am not mistaken, Mr. Simpson intended to vote for Mr. Casserly. Then, before we came down here, he was going to vote for Casserly, and, after we could not elect Casserly, he would vote for Booth; and after Casserly resigned, he went straight for Booth.

Q.—You say you commenced to vote for Farley until he commenced losing votes. Where did those votes go to?

A.—I think they went to Booth.

Q.—There were no Democratic votes cast for any other candidate?

A.—I can swear I cannot tell where.

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Q.—I mean those members that participated in the Democratic caucus?

A.—I could not tell even that, whether it was Democrats lost, or what it was; I didn't keep the track of it; I know I was watching my point.

TESTIMONY OF ALEXANDER HAY.

ALEXANDER HAY, called, sworn, and examined:

The Chairman—Mr. Hay, this is a matter of alleged bribery against the honor and honesty of undesignated members of the Legislature, in regard to the late Senatorial contest. If you know anything in regard to the matter, you will please state it to the committee, or answer any such questions as may be asked you by the members of the committee.

Mr. Curtis—You are a member of the Assembly, are you, Mr. Hay?

Answer—Yes, sir.

Question—From what county?

A.—Santa Clara.

Q.—You were here during the Senatorial contest, were you, Mr. Hay?

A.—Yes, sir.

Q.—Do you know anything, Mr. Hay, about any improper means being used by any candidate for the United States Senate, or their friends?

A.—I do not, sir.

Q.—You know nothing of that?

A.—Nothing at all.

Q.—Did you ever hear anything of that kind?

A.—No, sir; never heard anything at all about such a thing.

Q.—Are you acquainted with Mr. Brown—Dick Brown, the Enrolling Clerk?

A.—I am acquainted with him since I came up here.

Q.—Are you acquainted with Mr. Eardley?

A.—Yes, sir, very well.

Q.—Do you know anything about a transaction between Eardley and Brown about the Enrolling Clerk—a bargain between them as to how the office was to be divided, and the emoluments of office, etc.?

A.—I do not see what bearing that has with this case, and I decline to answer the question.

Mr. Norton—You are acquainted with Mr. Eardley and Richard Brown?

A.—Yes, sir.

Q.—Are you conversant with the terms with which Mr. Eardley went into the Enrolling Clerk's office?

A.—I decline to answer that question, sir.

The Chairman—We will insist upon an answer to that question, as this is a matter that is before this committee.

A.—Well, I insist on declining to answer it; I refuse to answer. If you have anything to ask about the bribery investigation, I will answer. Anything outside of that, I refuse to answer.

The Chairman—I think that is a legitimate question, and I shall insist, as Chairman of the committee, on your answering the question.

A.—Well, I must positively refuse.

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The Chairman—We will submit it to the House.

A.—That is correct; if the House says I must answer, I will answer.

Mr. Norton—You answered Judge Curtis that you knew nothing about any improper influences being used by any Senatorial candidate, or by any of their friends?

A.—Yes, sir; I know nothing about it. Never heard anything about it.

Q.—The reason, I will state to you, on behalf of the committee, the reason why, Mr. Hay, we deem the testimony sought to be elicited material with reference to Mr. Brown and Mr. Eardley's arrangement, is a matter pertinent to the investigation; evidence has been brought out about it. Mr. Brown's testimony has been given upon this same subject. Mr. Eardley's testimony has also been given, and this committee must eventually pass upon the questions submitted to them; and it is but right and proper, in the judgment of the committee, that we should have an answer to the question. We, of course, feel that it is a delicate position to place a witness and members of the House in, and we should regret very much to have to report you to the House as being in contempt of the House.

A.—Well, it is just upon that ground, Mr. Norton, it being a delicate position, that I refuse to answer, and shall not answer, unless compelled to do so by the House. I do not propose to be made a target of a combination, or any combination; if I am, I propose to have a good many more here beside myself. I do not propose that myself, or delegation, shall be the target of any combination, or body, brought in here.

Q.—You are acquainted with the rule of law on the subject; you are familiar with the Code?

A.—I cannot say I am very well acquainted with it; but I am satisfied to abide by the consequences of my action, anyhow.

Mr. Amerman—This matter is assuming rather a serious aspect. This committee has got a duty to perform, still it is a duty to perform. I would suggest, if this matter is to get before the House, that the questions be asked, so that if the matter is submitted to the House, the House can see for itself what questions were asked, and pass upon it.

Mr. Norton—What arrangements—I will put the question to you, Mr. Hay—what arrangements, if any, were made, so far as you know, between Mr. Richard Brown and Mr. Eardley with reference to the conditions upon which Mr. Eardley was to go into the Enrolling Clerk's office under Mr. Brown?

A.—Well, I decline to answer that question, as it is irrelevant to the matter before this committee. I would like to ask the committee upon what resolution this committee was formed or appointed?

Q.—You will certainly, Mr. Hay, while here in the presence of the committee, be treated with the utmost courtesy and respect; but our authority will not be assailed in that manner. We shall endeavor, as far as I am concerned, and I know I speak for the balance of the committee—we shall endeavor to treat every witness with candor and fairness, and put only such questions as we deem material and pertinent, and I have advised you and stated to you why we thought the questions were material. Mr. Brown's character is under consideration, as well as the matters submitted to us. He is one of the employés of the House, you are a member of the House, we are members; we occupy the same position towards each other, and towards the community, and it is right for the committee, it is right for the members to know, whether Mr. Brown should still hold his position or not, or whether some other course is to be pursued. It is not for the purpose of throwing any discredit or

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attaching any blame to the Santa Clara delegation, or any other delegation, and it is not in that spirit, or for that purpose or intent, that the question was propounded by me. It is in a spirit of fairness and candor, to elicit the truth, so that we can act upon it. Mr. Eardley, while under examination before the same committee, has never hesitated to declare what the terms and conditions were, and he said as soon as he ascertained that they might be illegal, friends had advised him that it would be better that he should withdraw from that part of the arrangement, or allow Mr. Brown to withdraw.

Mr. Coggins—Mr. Chairman, I think it would not be improper to read, at this stage of the proceedings, the resolution under which we are appointed. [The resolution was read.]

On motion of Mr. Amerman, at fifty-five minutes past eight o'clock P. M., the committee took a recess for fifteen minutes.

The committee reassembled.

Mr. Norton—I move, now, that the committee go into executive session. It appears that some matters have been called up that we will have to decide in executive session.

Mr. Amerman—I second the motion.

The motion was carried, and the committee went into executive session.

On motion of Mr. Norton a ballot was taken as to whether the committee would ask the House to compel Mr. Hay to answer. The result was four noes, one aye. The committee decided to subpœna Messrs. Jimenez, Murray, and Wand, and on motion of Mr. Norton, at ten minutes past ten P. M., the committee adjourned.

THURSDAY EVENING, February 12th, 1874.

The committee met at seven P. M.

TESTIMONY OF W. N. McNAMARA.

W. N. McNAMARA, called, sworn, and examined:

Mr. Summers—Mr. McNamara, I will state that the object of this investigation is to ascertain the facts, if possible, in regard to the alleged bribery and corruption charged against the honor and honesty of certain undesignated members of the present Legislature, in regard to the late Senatorial contest. You will please state to the committee if you know anything in regard to it, or answer such questions——

Answer—I don't know anything in regard to the matter.

Question—Or please answer such questions as are asked you.

A.—Yes, sir.

Mr. Norton—Where do you reside?

A.—San Francisco, sir; No. 44 Third street.

Q.—How long have you lived there?

A.—Probably, five months.

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Q.—Where did you live before you went there?
A.—At the Russ House.
Q.—How long have you lived in San Francisco in all?
A.—Some six years.
Q.—What business have you followed?
A.—I have been a detective in the Custom House; I have been a police officer; I have been a school teacher in Saint Ignatius' College, on Market street; I have been a school teacher in the school department for five years.
Q.—Where did you live before you went to San Francisco?
A.—I lived in British Columbia.
Q.—How long did you live in British Columbia?
A.—Four years and a half.
Q.—Four years and a half?
A.—Yes, sir.
Q.—Are you now engaged in teaching school at the college you spoke of?
A.—No.
Q.—Was you, on or about the first day of December last, so engaged?
A.—December last? Well, I think so. Yes, sir; I think so.
Q.—When did you quit teaching?
A.—I don't know the exact date.
Q.—How?
A.—I don't know the exact date—I don't remember.
Q.—In December or January?
A.—I think in December—in the early part of December.
Q.—In the early part of December?
A.—I think so.
Q.—What have you been doing since you quit teaching?
A.—I have been speculating in real estate, stocks, and everything of that sort that I can make any money out of.
Q.—Have an office in San Francisco?
A.—I have got the use of one.
Q.—Where is that located?
A.—At 534 California street.
Q.—In with some other party?
A.—Not in partnership.
Q.—Well, are you in an office with him?
A.—Yes, sir; generally there every day.
Q.—What gentleman is engaged with you in the office?
A.—Mr. Martin.
Q.—What is his given name?
A.—William H.
Q.—Is he also engaged in the real estate business?
A.—No, sir; he is a mining secretary, and engaged in other business.
Q.—Are you acquainted here in Sacramento?
A.—Am I acquainted?
Q.—Yes?
A.—Very well, indeed.
Q.—How often have you visited Sacramento during the——
A.—Sacramento, did you say? I am not acquainted in this city at all. I thought you meant San Francisco.
Q.—To what political party do you and have you belonged?
A.—To Booth's party—Governor Booth's party.
Q.—What party do you call that?

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A.—The Independent party.

Q.—When did you join the Independent party?

A.—About the time of its inception.

Q.—Was you with the workers and leaders of that party in the judicial contest?

A.—Not prominently.

Q.—Was you engaged in it, if not prominently?

A.—Yes, sir.

Q.—What part did you take in the contest?

A.—No special part.

Q.—How and where did you identify yourself with the party—at any public meeting?

A.—No, sir, not particularly; I attended them simply.

Q.—Simply attended them?

A.—Attended them.

Q.—Are you acquainted with Thomas Nosler, of San Francisco?

A.—Yes, sir.

Q.—When did you form his acquaintance?

A.—A short while ago.

Q.—How long ago?

A.—Not very long.

Q.—About how long?

A.—I know him by appearance for some time.

Q.—About how long ago did you form his acquaintance?

A.—Was introduced to him formally.

Q.—You said you formed his acquaintance a short time ago. I said "how long ago?"

A.—Whether do you mean know him by sight or know him by formal introduction.

Q.—Well, know him by introduction and have a personal acquaintance with him?

A.—Well, probably a week ago; a few days.

Q.—Only a week or so ago?

A.—I don't suppose I have been introduced to him formally except for this week.

Q.—Where were you introduced to Thomas Nosler?

A.—On Kearny street.

Q.—In San Francisco?

A.—Yes, sir.

Q.—After his return from the investigation?

A.—I don't know where he came from; he was bound south, towards Market street, when I met him.

Q.—Did you come up to Sacramento in December last?

A.—I did, sir.

Q.—What business brought you to Sacramento?

A.—I had business to see to; called me here at the educational department—especially Professor Bolander's office.

Q.—Was that the special business that brought you to Sacramento, Mr. McNamara?

A.—Well, it was a special business.

Q.—I say, was that the special business?

A.—There was no special business; it was a special business of mine.

Q.—Did you have any other business that brought you here except that?

A.—Yes, sir.

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Q.—What was it?

A.—I came here to assist in electing Governor Booth to the United States Senate.

Q.—At whose request?

A.—At no one's particular request; I came at the request of no one in particular; it was my own intention to come here, and that intention was further expedited by the desire of other parties.

Q.—Had you formed Governor Booth's acquaintance prior to that time?

A.—Not formally.

Q.—Had you informally?

A.—I met him casually around.

Q.—Where had you met him?

A.—Seen him at the hotels.

Q.—Have you had an introduction to him?

A.—No; not duly formal introduction.

Q.—Did you have an informal introduction to him?

A.—I don't know what you mean by an informal introduction.

Q.—You say not a formal introduction?

A.—Yes, sir.

Q.—Did you speak to him?

A.—I might have, but I don't recollect.

Q.—What?

A.—I may have at some of these meetings.

Q.—At what meeting did you speak to him?

A.—I don't recollect any meeting in particular.

Q.—Then what makes you say you think you spoke to him?

A.—I don't know that I did. I only say I think I spoke to him.

Q.—Well, as noted a personage as Governor Booth you ought to remember?

A.—Well, he may not have been Governor Booth at that time, or I may not have met him as Governor Booth.

Q.—What do you say, that you had or had not?

A.—I can't say. A good many members I have met; I didn't know their names when I met them, but might be introduced to them subsequently.

Q.—That is what you mean to say. You might have met him in a crowd?

A.—Yes, sir.

Q.—At what meeting did you attend where Governor Booth addressed the parties?

A.—I don't recollect. I think at Platt's Hall.

Q.—At Platt's Hall?

A.—Yes, sir; I think so.

Q.—Last Fall?

A.—I don't recollect; I think so.

Q.—Did you see him more than once in San Francisco?

A.—Yes, sir; I saw him around in the streets, and around at the hotels.

Q.—Around at the hotels?

A.—Yes, sir.

Q.—At what hotel?

A.—I think I saw him several times at the Cosmopolitan and Grand Hotels.

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Q.—Do you remember anything you ever talked about with the Governor?

A.—I don't remember anything I ever talked with him about. I don't know that I ever talked with him at all; I didn't take particular interest in the matter, enough to set it down.

Q.—Do you know Albert Hart, the Governor's Private Secretary?

A.—Yes, sir.

Q.—Where did you first form his acquaintance?

A.—The first time I ever came to Sacramento.

Q.—The first time you ever came to Sacramento?

A.—Yes, sir.

Q.—Was that the time you came up on educational business?

A.—Yes, sir.

Q.—Were you accidentally thrown in his society?

A.—Well, I didn't meet him by any special appointment.

Q.—Where did you meet him?

A.—At the Golden Eagle Hotel.

Q.—Who sought the interview, you or Albert?

A.—I don't know that either of us sought it, I or he; I didn't seek it, and I don't know whether he sought it.

Q.—Who introduced you?

A.—I think he introduced himself.

Q.—Introduced himself to you?

A.—Yes, sir, I think so; I am not sure, but I think so.

Q.—Did you have any conversation after the introduction?

A.—About the introduction?

Q.—After the introduction?

A.—Well, yes, sir.

Q.—What did you converse about?

A.—Things in general.

Q.—Was that during the Senatorial contest?

A.—Yes, sir.

Q.—Did you talk about the Senatorial contest?

A.—Yes, sir; made it a special conversation.

Q.—That was a special conversation?

A.—Yes, sir.

Q.—What was agreed upon between you?

A.—There was no agreement.

Q.—What?

A.—No agreement. We had no agreement.

Q.—You didn't have any agreement at all?

A.—We never had.

Q.—What?

A.—Never had.

Q.—You never had any, or any understanding?

A.—I don't know, sir, exactly what you mean by an agreement.

Q.—Well, do you say you never had any understanding?

A.—I will answer you directly, if you will let me understand what you mean. I want to know what you mean.

Q.—I mean the meeting where it was agreed that you were to take certain steps towards assisting Governor Booth.

A.—No, sir; I don't know of any such agreement.

Q.—You say there was none such?

A.—No, sir; there was no necessity of any agreement to cause me

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to take steps for Governor Booth, for that. I had already decided my course in that respect.

Q.—When had you decided it in that way?

A.—Well, from time to time; my admiration was growing more and more deep.

Q.—Until it became intense?

A.—Not exactly so intense as to derange my intellectual faculties.

Q.—We didn't say that; I didn't say that; I didn't suppose your faculties were deranged?

A.—No, sir.

Q.—You talked about something?

A.—I told you we had a general conversation; I really could not tell you what about.

Q.—How long did you stay up here the first time?

A.—I don't know the number of days; may be two or three, or four.

Q.—Are you acquainted with Mr. Wright, the member in the Assembly from Sonoma?

A.—Yes, sir.

Q.—How long have you been acquainted with him?

A.—I think the first time I saw him was about five years ago.

Q.—About five years ago?

A.—Yes, sir.

Q.—Has the acquaintance ripened into intimacy?

A.—It has been intimate; it is not now.

Q.—It has been intimate up to the time of this investigation?

A.—Yes, sir.

Q.—Did you see Mr. Wright on the first visit that you made to Sacramento?

A.—Yes, sir.

Q.—At whose special instance and request did you visit Mr. Wright?

A.—At no special request.

Q.—Didn't you and Albert Hart talk about it?

A.—Of what?

Q.—That you were going to see Mr. Wright?

A.—Who says that?

Q.—I didn't say that anybody says that?

A.—I don't say it either, sir.

Q.—Do you say it was not so?

A.—I say he made no agreement with me to meet Mr. Wright.

Q.—You had no such understanding with him?

A.—No, sir.

Q.—Did you see Mr. Wright on your first trip?

A.—Yes, sir; my wife was with me, and I went up to his room and saw him, and left my wife in the parlor, and he went up to visit her, and I remained there.

Q.—At that interview did you try to induce Mr. Wright to vote for Governor Booth for United States Senator?

A.—I don't think I tried to induce him.

Q.—Did you ask him to do so?

A.—I don't think I ever did—absolutely and truly asked him to vote for Governor Booth.

Q.—How long did you remain there with him, or he with you and your wife?

A.—Probably half an hour, or an hour; I don't know how long.

Q.—Did you see him more than once on that visit?

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A.—I saw him every day and every hour in the day, almost.

Q.—You remained how long?

A.—Two or three days; I don't know how long it was.

Q.—Well, about how long?

A.—Two or three days.

Q.—You saw him every day?

A.—Yes, sir; every day, and every hour in the day, unless he was asleep; I was with him all the day.

Q.—You were right with him all the time?

A.—Yes, sir.

Q.—Did Mr. Hart know that you were with Mr. Wright?

A.—I don't know, sir.

Q.—Now, reflect and see if there was not an understanding between you and Mr. Hart that you were to see Mr. Wright?

A.—No, sir; it was not; that I am positive of; I made no such agreement at all with Mr. Hart. We had a general conversation about Mr. Wright; but no agreement—no written contract or verbal contract.

Q.—Well, I don't ask about a written contract. I say an understanding between you, as gentlemen, being an old acquaintance of his?

A.—There was no necessity of that.

Q.—Did he ask you if you thought you could persuade him to vote for Governor Booth?

A.—No, sir; he didn't ask me.

Q.—Did Albert Hart say anything to you about Mr. Wright?

A.—Well, he spoke of him as being a very excellent man; he spoke in praise of him; that he would very much like to gain his influence for Governor Booth on this occasion, and have him vote for him; but he was not particularly anxious that he should.

Q.—He was not?

A.—No, sir.

Q.—He was not anxious that you should use your influence on him?

A.—No, sir; because it was a foregone conclusion that Governor Booth would be elected.

Q.—It was a foregone conclusion that he would be elected?

A.—Yes, sir.

Q.—Why? Had the vote then been counted up for Governor Booth?

A.—No, sir.

Q.—How was it that you say it was a foregone conclusion that Governor Booth was to be elected?

A.—So far as I could judge from human nature. It was said all around town that the members were in favor of it.

Q.—And you didn't want Mr. Wright's vote?

A.—Well, if he gave it, it might add an additional laurel to his victory.

Q.—You didn't stoop to get it?

A.—No, sir; I didn't stoop, nor never stooped to any man.

Q.—You went back to San Francisco?

A.—Yes, sir.

Q.—Did you come again to Sacramento?

A.—Yes, sir.

Q.—What induced you to come the second time?

A.—The same business—to work for Governor Booth.

Q.—Who paid your expenses?

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A.—Who paid my expenses?

Q.—The second trip.

A.—I think I paid them myself; money out of my own pocket.

Q.—Money out of your own pocket?

A.—Yes, sir.

Q.—Do you know Mr. Dixon?

A.—Yes, sir.

Q.—Did you have a conversation with him the second time you came to Sacramento, near the Capitol building, here?

A.—I think I was introduced to him the first time.

Q.—I say the second time.

A.—Yes, sir; several times in the Capitol building.

Q.—What did you talk to him about?

A.—Well, really I don't remember; everything almost; from the weather up to the last excitement.

Q.—You didn't talk about the Senatorial contest at all?

A.—Yes, sir; very much indeed about it.

Q.—You did?

A.—Yes, sir.

Q.—Did you say anything to him about voting for Governor Booth?

A.—Well, really I don't know; I may have; I didn't take any note of it; very likely I did, because I was very much interested in Governor Booth's election.

Q.—Do you remember meeting him here one morning, at the steps of the Capitol?

A.—I do, sir.

Q.—Do you remember telling him that you had been up late that night, and had gained a vote that night?

A.—I may have, sir; probably I did.

Q.—Do you remember it?

A.—I have no particular remembrance of it. I read his evidence in this matter.

Q.—Whose vote did you tell him you had gained?

A.—Well, really, I don't know. I forget.

Q.—Well, you remember the circumstances?

A.—It was just called to my mind by some remarks that he made here last night.

Q.—Well, you heard the remarks; do you remember it as a fact?

A.—No, sir, I don't; it made no impression on me; I don't know who it was.

Q.—Well, do you remember now of having gained a vote at that time?

A.—No, sir; I don't.

Q.—Do you know Mr. Morgan, the gentleman from Sierra?

A.—I did not.

Q.—Then if you had told him that you had gained Mr. Morgan's vote, it was not true, was it?

A.—Well, was it false?

Q.—Well, if you had not seen him to know him, I should think it was false.

A.—It would not be true, if I had deceived him in telling it.

Q.—Well, had you seen Mr. Morgan?

A.—Had I seen Mr. Morgan?

Q.—To talk with him about it?

A.—No, sir. About what, sir?

Q.—About his voting for Governor Booth?

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A.—No, sir.
Q.—Had you talked with Mr. Morgan about anything?
A.—No, sir.
Q.—Had you ever seen the gentleman, so as to know him at that time?
A.—By appearance?
Q.—By appearance.
A.—Well, I think so.
Q.—Could you pick him out if he was here at this time?
A.—Well; I might. I am not particularly shrewd.
Q.—You remember when you came up here one evening; had you received a dispatch from Albert Hart the second time you came?
A.—Yes, sir.
Q.—Did the dispatch say, "Come immediately?"
A.—No, sir; it did not.
Q.—What?
A.—It did not.
Q.—What did the dispatch to you say?
A.—I really don't remember.
Q.—You are positive it didn't say, come immediately?
A.—I am positive it didn't say, come immediately.
Q.—What time did you arrive in Sacramento, then?
A.—I came by the train, Sunday evening.
Q.—About what time?
A.—I think about nine o'clock. I am not positive; it might have been ten minutes late.
Q.—Did you go to Mr. Wright's place, where he was stopping?
A.—Yes, sir.
Q.—Did you see Albert that evening, before you went there?
A.—I don't recollect; probably I did.
Q.—What makes you say, probably you did, if you don't recollect?
A.—Well, he was always around that Golden Eagle Hotel during electioneering times.
Q.—Because he was always there, you think you saw him?
A.—I have no particular recollection of it; I don't say that I didn't.
Q.—I don't say that, either. You went to see Mr. Wright?
A.—Yes, sir. I had some other business with him, besides electioneering business
Q.—What other business?
A.—Private business, of a private nature—not touching upon electioneering at all. It was something that I wanted to tell him.
Q.—You were in haste to see him?
A.—No, sir; but I thought he was up, and would probably like to see a friend.
Q.—Was he in bed when you went to see him?
A.—Yes, sir; I think he was unwell that evening and had gone to bed.
Q.—Did you talk to him about it?
A.—Yes, sir; he was in a very good humor, and exceedingly communicative on points in general.
Q.—Did you tell Mr. Wright, that night, that you were here for the purpose of helping poor men?
A.—I have no recollection of making use of such an expression in my life.
Q.—Do you deny it?
A.—Most emphatically, I do.

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Q.—You do?

A.—Yes, sir; it is an expression not common to my vocabulary at all.

Q.—Who was there with Mr. Wright?

A.—I don't know, sir.

Q.—Did you see anybody else there with him?

A.—Well, I think his son was there, in and out of the room. I think so. His son was there in the room.

Q.—Did you inquire of him, if it would do to approach a certain Assemblyman?

A.—Did I inquire of him?

Q.—Yes. Of Mr. Wright, about approaching Mr. Northcutt?

A.—I approach him?

Q.—Did you ask Mr. Wright if he thought it would do for you to approach Mr. Northcutt, in order to obtain his vote for Governor Booth?

A.—I may have, sir.

Q.—After having told Mr. Wright that you were here to help poor people?

A.—I didn't tell him that I was here to help poor people. I deny that. I deny that I did say it.

Q.—Do you deny asking Mr. Wright if he thought it would do for you to approach Mr. Northcutt on that subject?

A.—Well, I think if Mr. Wright ——; that probably Mr. Wright spoke to me about Mr. Northcutt. Mr. Wright introduced the subject of politics to me. He said that he was inclined to vote for Governor Booth, and I know he was uncertain. In my own mind, I was convinced that he would go for him. I was inclined to think that every member of the Sonoma delegation, except, perhaps, Mr. Northcutt, would go that way. I had reasons to believe it. Mr. Wright seemed also favorable to Governor Booth. He said he would like to see him elected. He was almost indifferent in regard to the result of the election. It was only on this nigger question that he was opposed to Governor Booth, and that held him off, and that was only a matter of time. I remarked to him that I thought the (?) was very humdrum, and that he ought to make some departure from it, and distinguish himself in some way. I think that is the amount of my conversation with him. I spoke from conviction, sir; and spoke with a belief that it would be an honor to him to do so.

Q.—And you positively tell this committee that you paid the expenses of that trip out of your own pocket?

A.—You mean the second time?

Q.—Yes, sir.

A.—Most emphatically.

Q.—Did you on the first time?

A.—Well, I suppose it was; I don't know of any other money except my own that I had. It was out of my own money that I paid it. What I considered my money was what I had a right to myself, in my own possession, and nobody has a claim to except myself. That is my definition of right. What a man has a right to, that is what he can call his own; that which no one else has a claim to; that which makes it his, and not that of any other man.

Q.—You say you are not upon terms of intimacy now with Mr. Wright?

A.—No, sir; I am not.

Q.—There is an estrangement between you?

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A.—I don't know; that is a hard term to say; that is a delicate term, sir, to call it.

Q.—That is a delicate term? I use a delicate term in order to approach you delicately.

A.—For which I am much obliged, sir.

Q.—Have you talked with Mr. Wright about it since this investigation commenced?

A.—No, sir; I never did.

Q.—Your old familiarity has ceased between you?

A.—It may be renewed again with redoubled vigor for all I know.

Q.—Did Albert Hart send you any money by telegraph?

A.—Sir?

Q.—Did he send an order for you to get some money in San Francisco?

A.—I don't know. I can't swear that he did.

Q.—If you had received fifty dollars from Albert Hart?

A.—What do you mean by receiving fifty dollars from Albert Hart? I should like you to qualify that expression.

Q.—I am questioning you; I have allowed you a great deal of latitude?

A.—For which I am much obliged to you.

Q.—If you had received fifty dollars from Albert Hart, either the first time, or the second time, would you now remember it?

A.—Most decidedly, sir; because fifty dollars within a month or two ago is something to be remembered.

Q.—I am aware of that, and I put the question to you, and it is not for you to evade it.

A.—I am not evading it.

Q.—What do you say about it?

A.—I say that he may have sent me fifty dollars.

Q.—Did you get it?

A.—Did I get fifty dollars?

Q.—From Albert Hart?

A.—From Albert Hart?

Q.—Yes.

A.—That is what I want to know, what you mean; whether he handed it to me, or what; in what way did I get it, or how do you wish me to answer.

Q.—You can tell yourself best, whether you received it.

A.—If I knew that Albert Hart gave it to me, I would.

Q.—What do you say about that?

A.—I say nothing to the question you put me, sir.

Q.—What?

A.—You tell me Albert Hart sent me fifty dollars; I say I don't deny it.

Q.—I ask you if you received it?

A.—Received what?

Q.—Fifty dollars?

A.—Fifty dollars?

Q.—To pay your expenses from San Francisco to Sacramento here, and return?

A.—I received no fifty dollars for coming from San Francisco and returning.

Q.—Going from San Francisco to Sacramento, and your expenses while here; and from Sacramento to San Francisco, returning?

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A.—No, sir; I received no fifty dollars to pay my expenses from San Francisco to Sacramento, and return expenses from Sacramento to San Francisco.

Q.—What did you get fifty dollars for, if you got it?

A.—If I got it? Well, sir, it is not decided that I did get it.

Q.—Not by you, I know. You know, Mr. McNamara, whether you received fifty dollars from him, or not?

A.—Yes, sir; I know that he says that he sent me fifty dollars.

Q.—Well, you know whether you received it?

A.—Well, what evidence have you that I did?

Q.—I asked you.

A.—Do you see any evidence that I did?

Mr. Norton—I submit to the Chairman, the witness does not answer the question.

A.—I only want to know the meaning of the question, and I will answer it.

Q.—The question is, whether you received fifty dollars from Albert Hart, or not?

A.—Fifty dollars from Hart? Do you mean if he put fifty dollars in my hand?

The Chairman—The question is proper, and you must answer it. It makes no matter, whether he put it into your hand or sent it to you.

A.—He says he sent it to me, and I don't deny it.

Mr. Norton—You know whether you received this money or not?

A.—Yes, sir.

Q.—Tell this committee whether you received it or not?

A.—At any time?

Q.—At any time during the Senatorial contest, to pay your expenses to Sacramento?

A.—Yes, sir. I can answer that question, if you will put it to me properly—that I received from Albert Hart, the Governor's Private Secretary. Well, sir, I did not. I answer that question. I wish it to be taken down as stated; that I did not.

Q.—You did not?

A.—No, sir.

Q.—Did you use your own money in paying your expenses both trips?

A.—Any money I had was my own.

Q.—Answer my question.

A.—I used my own money, sir.

Q.—That is all. Just answer my question.

A.—What I call my money?

Q.—That is an answer, and that is sufficient.

A.—Yes, sir; I used my money—not the money of any other man; yes, sir.

Q.—To come here? You were on business—educational business—that is the business that brought you here?

A.—Yes, sir; that was a business.

Q.—Now, the business that brought you to Mr. Wright in the night-time, you say, was private business?

A.—Yes, sir; that is, the second time.

Q.—You came here to tell him something privately?

A.—Yes, sir; I came here to tell him something privately.

Q.—What was that private business?

A.—Well, it had some reference to some private business in relation to a friend of his that was away in Europe. I don't know the whole

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bearings of the question of the business. This gentleman was there corresponding with me, and I communicated to Mr. Wright, and he would let me know.

Q.—What?

A.—I corresponded with Mr. Wright and let him know any information I had received in regard to this gentleman.

Q.—Had you received any additional information, after you left here the first time and before you came back the second time, to have called you to his house?

A.—Yes, sir; I think I got some information from this gentleman before the second time.

Q.—Were you furnished with money by any person or persons to assist——

A.—Furnished with money?

Q.—You wait and hear my question.

A.—Yes, sir.

Q.—Were you furnished with money by any person or persons to assist Governor Booth in the Senatorial contest?

A.—Well, to assist Governor Booth; I was not, sir.

Q.—You were not?

A.—No, sir.

Q.—Did you offer any money, either gold coin, gold notes, bank checks, drafts, or anything else, to anybody, to vote for Governor Booth or any other candidate in the Senatorial contest?

A.—No, sir.

Q.—Did you hold out an inducement to Mr. Wright, or to any other member of either House, that you would like to get them to vote for Governor Booth, and if they would you would pay them?

A.—No, sir; I always——

Q.—Well, that is an answer; when you say "No, sir," that is an answer.

A.—Very well.

Q.—There is no use of any pettifogging about it. Did you state to Mr. Wright that you were here for the purpose of assisting poor people?

A.—No, sir.

Q.—That is an answer. In conversation that you had with Mr. Wright that night, did you say anything about Mr. Northcutt?

A.—He introduced his name, sir.

Q.—Did you say anything about Mr. Northcutt to him?

A.—Well, I had to follow up the introduction of his name, and in that way I spoke of him.

Q.—How came Mr. Wright to speak of Mr. Northcutt to you?

A.—That is best known to himself.

Q.—What did he say about Mr. Northcutt?

A.—He introduced the electioneering matter to me, and told me that there was considerable excitement about it. That I was aware of. He said there was a great deal of money spending; did I know of any? I said I did not. He said he had heard of somebody that was offered two or three thousand dollars for his vote. I said, if he needed the money, he might as well do as others were doing, and take it.

Q.—You told him so?

A.—Yes, sir. That was the report—it was generally said so.

Q.—Who did you say might as well take the money?

A.—Whoever he alluded to that was offered the three thousand dollars.

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Q.—Mr. Northcutt?

A.—No, sir. I don't know who it was; I cannot say it was not. I don't know who. Mr. Wright told me that somebody had been offered, he understood, three thousand dollars. I asked him who it was, and he said he did not like to answer, and I didn't urge him any.

Q.—Did you ask Mr. Wright, in this conversation, if he (Wright) thought it would do for you to approach Northcutt, to try and get his vote in this way?

A.—In what way, sir?

Q.—By means of a bribe?

A.—No, sir; nor any other man. I never asked him if I could approach them in the way of a bribe, because I would not approach him in that way, sir—by way of a bribe, or any other way. I never did, or never would.

Q.—You wrote a letter to the Assembly here, did you?

A.—Yes, sir.

Q.—And sent it to the Speaker of the House?

A.—Well; everybody knows that.

Q.—Well; answer that.

A.—Yes, sir. I have got it in my pocket; it has been returned to me. Here it is.

Q.—Whom did you send it to?

A.—Whom did I send it to?

Q.—Yes, sir.

A.—Mr. Estee, I suppose.

Q.—Did you direct the letter to Mr. Estee?

A.—No, sir, I did not.

Q.—How do you suppose you sent it to Mr. Estee, then?

A.—Well, by post, sir. I saw it directed to Sacramento.

Q.—Who directed it?

A.—Let's see. Who was it? Mr. Martin did, sir, I think. I don't know, really. I didn't see that; I wrote the letter in a hurry, as it was near time for the boat to go, and I gave it to another party to direct and send it to the Assembly. Whether he sent it directly to the Assembly or not, I don't know; and I cannot state exactly—cannot swear in what shape it came to Mr. Estee. I never read the letter after I wrote it; it was so near post time. I never revised the letter or looked at it after writing it, to see what it was.

Q.—Mr. Wright wishes to ask you if what you stated in that letter were the facts of the case so far as it refers to him?

A.—I don't know what you allude to.

Q.—You ought to; you have the letter in your possession.

A.—Let him ask me through you and I will answer it. What do you refer to?

Q.—The facts as stated in the letter with reference to him.

Mr. Wright—Do you say those are true?

A.—What facts, sir?

Q.—Those that you stated in the letter.

A.—About him?

Q.—Yes, sir.

A.—What are they, sir?

Q.—The letter you have in your possession.

A.—Here it is. Point them out and tell me what they are.

Q.—I shall not do it. You wrote the letter a short time ago?

A.—Yes, sir.

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Q.—Didn't you allude to Mr. Wright?

A.—Yes, sir.

Q.—What did you say about him?

A.—I will read it and tell you. I cannot tell you; I have not a good enough memory to tell you every word a letter has in it.

Q.—Is it true or false?

A.—Which, sir?

Q.—The reference you made to Mr. Wright?

A.—Well, I generally——

Q.—Answer the question.

A.—Is it true or false?

Q.—Yes, sir; not what you generally do, but in this particular case, is it true or false?

A.—It may be true in one sense, and not in another.

Q.—In what sense is it false?

A.—I don't know that it is untrue in either sense; but it is true in this sense: that it is subjectively true, so far as my mind is concerned.

Q.—Well, you knew what you were writing when you were writing?

A.—Yes, sir; but you may know many things.

Q.—Don't stop to tell me what I know about it; you knew what the letter contained when you wrote it?

A.—Yes, sir.

Q.—Is that true or false?

A.—It may be subjectively true, or objectively false.

Q.—What do you mean by those terms—subjectively true and objectively false?

A.—I will explain it to you.

Q.—Explain it.

A.—You may believe a thing to be true when it is not true.

Q.—Oh, in that sense, you believe it to be true?

A.—It may be so, that I believe it in that way.

Q.—It may be so?

A.—Yes, sir.

Q.—How is it; did you believe what you then stated?

A.—I don't know, sir.

Q.—You don't know whether you believed it was true?

A.—So far, subjectively, it was true; because I never speak anything but what I believe is true.

Q.—Stand up, like a man, and face the music?

A.—Yes, sir.

Q.—Is it true or false?

A.—So far as I am concerned, so far as my mind and judgment is concerned, it is true; but it does not follow that it is subjectively true; no, sir.

Q.—Didn't you write a letter to Mr. Wright the day Mr. Hager was elected—the day of Mr. Hager's election?

A.—I may have.

Q.—Do you remember whether you did, sir?

A.—Probably, sir; I didn't take any particular notice.

Q.—Do you remember whether you wrote a letter, or not?

A.—Yes, sir; I remember; but I don't know what particular part of the letter you refer to.

Q.—How do you come to remember?

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A.—Well, by your calling it to my mind.

Q.—My simple statement, in asking you the question?

A.—Well, about that; I don't think it ever occurred to me before this moment.

Q.—What was it about?

A.—It was about his election.

Q.—Whose election?

A.—Hager's election.

Q.—How long before the election did you send him the letter?

A.—Well, about the time of his election, I should think.

Q.—About the time?

A.—It was before the election.

Q.—How many days before?

A.—I don't know, sir. I did not want him to vote anyhow for him.

Q.—Is that it?

A.—Yes, sir; I didn't want him to vote for him after the election of Booth was over. Mr. Tuttle came to me and told me that—in ten minutes after—half an hour after: "We are released from our obligation to the Sonoma people. Please tell Governor Booth we will vote for him if he goes for the short term, now that Casserly has withdrawn." Which, to my mind, showed that their judgment was pretty tightly bound up, or that they would have gone for him, or they would have voted for him. I don't think they had human liberty when they were voting the other way.

Q.—Did you, or did you not, pay attention to the question?

A.—Yes, sir; I am paying attention, sir.

Q.—Did you, or did you not, in this letter to Mr. Wright, ask him to go to Governor Booth and find out from the Governor whom he should vote for Senator, for the short term?

A.—He visited Governor Booth——

Q.—Answer my question.

A.—Possibly I did—yes, sir; I think so. I would advise him to take Governor Booth's advice upon everything; he would be better off, and show considerably more sense.

Q.—Didn't you also state that if he would do that, you and Wright would do something for yourselves by the transaction?

A.—Yes, sir. I think we would all be improved by it, sir. That is just what I have said.

Q.—That is what you say?

A.—Yes, sir; I think it would be a benefit for every man down here, voting for Governor Booth.

Q.—Yes; but this was what you asked——

A.—Oh, I don't suppose that any man who has any reason does anything but for his own good. That is rationality, sir, that when a man does anything, sir, he does it for his own good. That is what constitutes a rational being.

Q.—Answer my question. You did not state to him that you and Mr. Wright would make something by it?

A.—"Make" is very generic; it applies to a great many things, sir.

Q.—Did you state that?

A.—Make something?

Q.—Yes, sir?

A.—I don't think I used such vulgar language as "make." Wright might be in the habit—in the habit of using it, but I do not.

Q.—I do not understand you?

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A.—I don't think I used such a word as "make"—such a thing as "on the make," or anything of the kind.

Q.—Did you use that word?

A.—I don't recollect. Mr. Wright says I did. If it was so I would tell you so. I do the best I can for myself, sir.

Q.—When Mr. Wright says you came there, and told him that you were up on a trip to help poor men ——

A.—I was not on a trip to help poor people; but I was on a trip to help myself; and there is no one ahead of me in the interest I take in myself.

Q.—How much would you help yourself?

A.—To the best of my ability. I would help myself just as far as I could.

Q.—How much did you make out of it?

A.—Nothing.

Q.—Not even the fifty dollars that Hart says he sent you?

A.—He says he sent me! He can say he sent me ten thousand dollars; I wish he had, and I would have taken every cent of it.

Q.—Did not you say to Mr. Wright, and to his son—look at me, if you please?

A.—I have got hearing, sir; better hearing on this side.

Q.—Didn't you say to Mr. Wright, and his son also, that you were the poor man's friend in this fight?

A.—No, sir; I am my own friend to the best of my ability.

The Chairman—Answer the question to the best of your ability.

A.—I don't know that I ever heard the expression until I read it in the paper; I cannot be so specific. The poor man's friend—oh, yes; I can imagine where Mr. Wright picked it up—from the table at the Russ House. The poor man's friend—I know what it alludes to.

Q.—Do you recognize the obligations of an oath?

A.—I do that, sir, most decidedly; as much as any man.

Q.—Are you laboring under the solemn responsibilities of an oath?

A.—I am, sir; but a man can tell the truth——

Q.—Stop right there. This trifling has gone far enough.

A.—Yes, sir; but truth is truth, in any shape you put it. There is no trifling about me.

Q.—Did you state to the young man Wright, son of Mr. Wright—asking him if it would be safe for you to approach Northcutt?

A.—Well, sir; I don't believe that I ever did.

Q.—Will you say whether you did or not?

A.—Well, sir, I cannot swear that I did not; but from the way I generally act, I don't generally go to boys with my information for advice. That is not my way of doing things, at all.

Q.—Did you ask the young man anything about Northcutt?

A.—Ask him about him?

Q.—Yes, sir.

A.—Probably he was there; and he is quite a precocious youth, and he may have interfered in our conversation.

Q.—Will you answer the question?

A.—Yes, sir; I will.

Q.—Answer the question.

A.—I don't think I ever asked him directly, whether I did or not.

Q.—Would you remember if you had asked him?

A.—I might not. If I had I might, because my memory is remarkably good when I am particular about anything.

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Q.—Then you neither admit nor deny?

A.—Yes, sir, exactly; that is just about it.

Q.—You cannot tell whether you did or not?

A.—Yes, sir; but it would not make much difference even if I did ask him. It would not make any serious point to ask a beardless boy anything of that kind.

The Chairman—Confine yourself to the question.

Mr. Norton—Did you tell Mr. Wright here in the Capitol, at the door, that you had a man that was going to vote on the next ballot for Governor Booth?

A.—I may have, sir.

Q.—Do you remember?

A.—I do not remember of telling him at the door of the Capitol that I had a man that was going to vote for Governor Booth on the next ballot. When I am swearing to it, I must have the exact words and expressions—literally those expressions used.

Q.—Did you, at any time, tell him any such thing during the contest?

A.—Probably, I may have; I may have.

Q.—Do you remember it?

A.—I do not remember it particularly.

Q.—Sir?

A.—I do not remember particularly; there was so much twaddle. There isn't a man alive could remember everything he speaks during election times.

Q.—Don't you remember telling Mr. Wright that a man had missed a good thing by being too late?

A.—Yes, sir. Every man who didn't vote——

Q.—Answer my question.

A.—Yes, sir; I admit I did; and what follows?

Q.—You did tell him that?

A.—Yes, sir.

Q.—I want you to answer the question.

A.—Yes, sir—for the sake of the argument—I did.

Q.—Then you will admit anything, under oath, for the sake of an argument?

A.—No, sir; I admit a hypothesis, for the sake of argument; I admit it for the sake of any conclusion you want to arrive at.

Q.—Is it true?

A.—I won't swear to it, sir.

Q.—Is it true? Now, you know whether it is true or not.

A.—What is true?

Q.—Did you tell him that some man had missed a good thing by being too late?

A.—By being too late? Did I tell him that a man had lost a good thing by being too late?

Q.—Or words to that effect?

A.—Well, that is better. If you don't bind me down to particular words to swear to I will answer. I would rather you would not.

Q.—You suppose you did?

A.—Yes, sir.

Q.—Do you remember having told him so?

A.—Well, I have no accurate remembrance of it.

Q.—Have not an accurate remembrance of it, and yet you are willing to swear to it?

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A.—Well, I am not willing to swear to it. I have got a confused idea. There are some points that are indistinct to my mind.

Q.—Who was that man that had missed a good thing?

A.—Well, somebody, I suppose, I had in my mind at the time.

Q.—Do you know who it was?

A.—I don't know exactly who it was. I think you alluded to his name awhile ago, here. I am bad at remembering names, anyhow. You mentioned his name awhile ago, I think.

Q.—Was it Northcutt?

A.—Well, it may be Northcutt.

Q.—And might not?

A.—And might not.

Q.—Was it Northup?

A.—I don't think it was.

Q.—Why might it not be Northup?

A.—Because I don't know the man.

Q.—You do know Northcutt?

A.—Yes, sir; it would be more probably Northcutt than Northup, because I never tried to get Northup.

Q.—Then you did try to get Northcutt?

A.—I may have got him—Northcutt?

Q.—Yes, sir.

A.—Yes, sir, I did try. I talked to him generally, I believe, all the time. I had this idea, exactly, that will elucidate the whole thing, if you will allow me one minute.

Q.—But I am not going to allow you that minute.

A.—Well, then, go ahead, sir.

Q.—Was it Northcutt?

A.—I am not sure whether it was Northcutt, really. I could not swear to all the things that I have said about election times.

Q.—Do you know what the man's name was?

A.—I think you mentioned the name awhile ago.

Q.—Was it Morgan?

A.—Yes, sir; I think it was Morgan.

Q.—Now, had you seen Morgan?

A.—No, sir; you mentioned awhile ago about him.

Q.—Then how did you come to tell Mr. Wright that this man had missed a good thing?

A.—I heard he was going to vote for Booth, but he did not.

Q.—Didn't you tell him that you had a man to vote for him?

A.—What do you mean?

Q.—That you had been to get him?

A.—No, sir; he might have come to me without my going after him.

Q.—You don't know Morgan now?

A.—I think I would know him if I saw him; I think I saw him once or twice.

Q.—Did you ever talk to Morgan about the Senatorial contest?

A.—Never, sir.

Q.—Then how could it be Morgan?

A.—Certainly, you can know a man's disposition in London that you never saw. You know Gladstone's politics——

Q.—Did you know Mr. Morgan's disposition?

A.—I have heard what his disposition was.

Q.—Who from?

A.—Talked of in the hotel.

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Q.—Who talked about it?

A.—Well, really, I don't know about that; I am not a remarkably good listener, but I cannot close my ears when sitting at the fire where parties are talking.

Q.—You heard him talked about?

A.—Yes, sir; I heard people say he was going to vote for Governor Booth.

Q.—Didn't you tell Mr. Dixon that you had been up late that night, and had gotten a vote for Governor Booth?

A.—I might.

Q.—Answer my question.

A.—Yes, sir.

Q.—How can it be that you gained the vote of a man you never saw, unless you worked through another agent?

A.—Well, supposing it was through another agent.

Q.—What agent?

A.—Nobody, that I know of; I told him that, "Well, here I have got another man;" as much as to say, "There has come to our side another convert."

Q.—You had just come up; you hadn't been here but two or three days?

A.—Well, it doesn't take a man to be here a lifetime.

Q.—Do you know Governor Booth, even now?

A.—I think I do.

Q.—Where have you ever met him?

A.—I have met him—seen him in San Francisco.

Q.—Have you met him since the Senatorial contest began?

A.—Yes, sir; several times.

Q.—Spoken to him?

A.—Yes, sir; Mr. Wright was with me there on one occasion. I was there with Mr. Northcutt on another occasion.

Q.—In the Governor's office?

A.—In the Governor's chambers with me; both of them, personally, at different times.

Q.—Did you ever have any talk with the Governor about assisting him in the fight?

A.—Me?

Q.—Yes, sir.

A.—The Governor knew I was assisting him.

Q.—How did he know it?

A.—He knew that every honest man assisted him.

Q.—Impliedly, you want to impress the crowd with the belief that you are an honest man?

A.—By no means, sir; my modesty forbids it.

Q.—Did you go to the Governor's rooms while you were here?

A.—Several times, sir.

Q.—I mean not his rooms in the Capitol—not his public rooms here—but his rooms on Front street?

A.—On Front street? I don't know where Front street is.

Q.—You don't know where that is?

A.—No, sir.

Q.—Did you see him at any other point in the city except here in the Capitol?

A.—I think in the Capitol principally, sir.

Q.—Did you see him at any point in the city except in the Capitol?

A.—I saw him on the streets, I don't know what streets.

Q.—Did you see him in any other building except the Capitol?

A.—Not to speak to him.

Q.—Did you see him in any other building, not to speak to him?

A.—I don't recollect.

Q.—You don't remember whether you were at the Governor's rooms or not, away from the Capitol?

A.—I know I was not.

Q.—Well, did you see him at any other room?

A.—At any other room?

Q.—Yes, sir.

A.—No, sir; I didn't.

Q.—Then what do you mean when you say you didn't?

A.—He might have been in a room, just to look about. How many do I see here in this room; could I remember them all? No, sir.

Q.—You were not at his place on Front street?

A.—No, sir; I don't know where his place is on Front street.

Q.—Did you see or have any conversation with Albert Hart more than once while you were here?

A.—Yes, sir; every day, several times; over and over again.

Q.—Over and over again?

A.—Yes, sir; over and over again.

Q.—What business called you together?

A.—Well, we congratulated one another.

Q.—Upon your success?

A.—Yes, sir.

Q.—Did you congratulate Albert when you got Morgan to vote for Governor Booth?

A.—No, sir; we had been elected without Morgan. We only wanted to have a good sweeping majority, because we knew the opposition party was petulant and jealous.

Q.—When was it that you determined that you had votes enough.

A.—Well, all the time, sir; we knew that. It was only a question of time; there was no doubt at all about it.

Q.—No doubt about it at all?

A.—No, sir; as the result proved; and, believe me, that is the best proof, sir.

Q.—Is it true when you came up the first time that you had been to see Mr. Wright and you found you could do nothing with him, as he was bound to adhere to the Democratic candidate?

A.—I know, sir——

Q.—Hear my question?

A.—You are stating things——

Q.—I am asking you if this is true?

A.—You said——

The Chairman—Do us the kindness to answer the question.

A.—Is he not stating that I said what I didn't?

Mr. Norton—I didn't say you said anything. I will ask you if the statement as I stated it was true. If you are cautious your testimony will look better on paper.

A.—Well, sir, I am not as particular as to how my testimony looks upon paper, as some in these libelous papers. I don't refer to these gentlemen, but the sheets which they represent.

Q.—You go slow. Is it true that the first trip you made here to Sac-

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ramento, that when you got through with Mr. Hart, he told you he had no further use for you and you could return?

A.—Through what?

Q.—With your business in endeavoring to get Mr. Wright to vote for Governor Booth?

A.—You might as well ask me if I had heard from Washington. Casserly was out of the field, and the Sonoma delegation should have voted for Booth, but they wouldn't do it. They were not with the Democrats and the Republicans wouldn't recognize them, and they were between wind and water, dilly-dallying, and I never saw anything like it in my life.

Q.—Now have you answered my question? You have not waited for me to put the question. You must like to hear yourself talk.

A.—No, sir; but it gives me a great deal of pleasure to answer your questions.

Q.—Is it true, that Albert Hart told you you could do no good, and you might as well return to San Francisco?

A.—He didn't tell me that, sir. There was no good, for the good was done.

Q.—That is the first trip, you understand. Was the good already done, before Governor Booth was elected?

A.—Not in all its completeness.

Q.—It was not?

A.—It was settling up.

Q.—And you swear positively that he didn't telegraph to you, "Come immediately?"

A.—I do, sir. "Come immediately;" I want the words particularly noticed.

Q.—"Come immediately?"

A.—No, sir, he didn't.

Q.—Did he use words to that effect—or in substance like those words?

A.—Well, yes.

Q.—What were they?

A.—"Come at once."

Q.—Come at once?

A.—Yes, sir.

Q.—You did come at once?

A.—Yes, sir; not at once.

Q.—Well, you answered as quick as you could?

A.—Yes, sir; as quick as I could.

Q.—You came up on the next train?

A.—Yes, sir; come at once, is a figurative expression—you cannot exactly accomplish it.

Q.—Was you not sent up, the first time, by a man in San Francisco, to see Albert Hart?

A.—Sent up, sir?

Q.—Yes, sir?

A.—No, sir; I am no man's messenger.

Q.—Didn't you come up—didn't you come up at the request of a gentleman in San Francisco?

A.—Not specially. I was coming up, sir. I was coming up, and he said: "You will have an opportunity of working there for Governor Booth."

Q.—What man was that?

A.—Mr. Martin, that I alluded to awhile ago.

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Q.—Do you know whether he corresponded with Albert Hart about you, or not?

A.—Well, I suppose that he did. He must have spoken favorably of me. I suppose he did, sir; yes, sir.

Q.—How?

A.—I suppose he did.

Q.—You suppose he did?

A.—Yes, sir.

Q.—Did you see the letter that passed between those gentlemen?

A.—No, sir.

Q.—What makes you suppose he did, then?

A.—Well, he told me.

Q.—Told you he had?

A.—Yes, sir.

Q.—Did he tell you he had received a letter from Mr. Hart, requesting this gentleman to send you up?

A.—Well, he said: "As you are going up——"

Q.—Answer my question.

A.—Well, not that, sir. If I answer your questions, I must know what you desire to know.

Q.—Then really, when you first came up, you came up to see Mr. Hart, at the request of your friend?

A.—Yes, sir.

Q.—And came every time to see him when you came to Sacramento?

A.—Yes, sir.

Q.—Did he meet you at the train, or did you meet him at the Golden Eagle Hotel?

A.—At the Golden Eagle Hotel, sir. I left my card at the desk for him when I arrived there, and he went up to the drawing room to see me; and I think Mr. Wright was there and my wife, and we met him subsequently.

Q.—Did you and Mr. Wright and Mr. Hart then have a conversation together?

A.—I declare I don't know. I think we had a conversation—several conversations, that night and other nights.

Q.—Every other night? You didn't stay up but three nights that first trip?

A.—I didn't stay up the whole night then. I went to bed about one o'clock.

Q.—How long did you stay next time?

A.—I think about three or four.

Q.—Didn't stay up all night?

A.—No, sir; I didn't stay up late at all—that night to about half-past one or two o'clock.

Q.—Now, was not you and Albert trying to get Mr. Wright to vote for Governor Booth?

A.—Whether I was trying to, with Mr. Hart? There was no use trying. Trying—trying to bring down the moon, you know. You can't try a man when you know he won't go with you.

Q.—I believe you said a minute ago that he would have voted for Governor Booth, if Casserly were out of the field?

A.—I supposed he was a sensible man.

Q.—Then you saw there was no use trying to pull down the moon?

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A.—Yes, sir; exactly, sir.

Q.—When did you find that out?

A.—I never made the experiment to pull down the moon.

Q.—When did you find out that you could not get Mr. Wright?

A.—Well, that is my business. I knew he was to exercise his own judgment generally, but in that matter I thought, well, he is favorably inclined to Governor Booth, and he will come around in due time, and if he don't, we can do without him.

Q.—When did you ascertain he would not go for Governor Booth?

A.—At no time. I believe if the fight had lasted two or three days longer, they would all have gone for him, for they were looking quite woe-begotten over the matter.

Q.—The first night that you came here, you say, Albert introduced himself?

A.—Yes, sir; I think he did; yes, sir.

Q.—And you were upon educational business when you had been sent up by a friend, Mr. Martin?

A.—I was not sent up by Mr. Martin. I was coming upon that business. I wanted to get a State diploma for myself, and a renewal of certificate for my wife.

Q.—This was business that naturally fell in your way, and you took it in?

A.—Yes, sir; come in accidentally, and I was delighted to assist him.

Q.—Did Governor Booth know you were assisting him in this fight?

A.—Yes, sir; and I took pains to let him know I was not going to hide my light under a bushel.

Q.—Where did you let the Governor know you were assisting him?

A.—I saw him in the Chamber. That is the reason he thought Mr. Wright and Northcutt were friendly to him, because they were there.

Q.—How do you know Governor Booth knew they were friendly to him?

A.—I think he did.

Q.—How do you know that?.

A.—I think they made that impression.

Q.—How do you know he thought so?

A.—A man in his position knows——

Q.—How do you know he thought so?

A.—By his conversation.

Q.—What did he say?

A.—I really could not say—"He is a very excellent man; a fine honorable man; quite delighted to have him"——

Q.—Governor Booth told you that?

A.—I don't know that he used those words.

Q.—Did he use any words to that effect?

A.—Not exactly to that effect; but I think he mentioned his name in terms of high commendation. That was my inference; and of course he would like to have him——

Q.—Where did that occur?

A.—Down in the Capitol. I think Mr. Wright had a conversation with him.

Q.—Did that occur in the presence of Mr. Wright?

A.—No, sir, I don't think it did. No, sir, it didn't.

Q.—When did it occur—at the next interview you had with the Governor?

A.—No, sir; I think I had a conversation, and he talked with me

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about things in general; how things were going on. I felt no uneasiness about it.

Q.—Then it was he told you about it?

A.—Yes, sir; I think something to that effect.

Q.—How many times did the Governor say that to you?

A.—I didn't count it, sir.

Q.—More than once?

A.—It is not necessary to remark those things—a repetition of those things is very bad.

Q.—That occurred the next day after you arrived?

A.—No, sir; I think it was the second day.

Q.—The first trip you came up?

A.—The second time, you might say.

Q.—The second day of the second trip?

A.—No, sir; we used no scriptural language at all.

Q.—Didn't you come twice here?

A.—Yes, sir; it was the second time, the day after.

Q.—The day after you arrived?

A.—Yes, sir; or the second day.

Q.—Didn't you tell the Governor that you had been to see Mr. Wright, at night-time, in his place?

A.—No, sir.

Q.—Did you tell Governor Booth that you had been to see Mr. Wright, and was here to aid poor men?

A.—No, sir; nor any other man. I obeyed nobody.

Q.—Did you tell the Governor that you thought of approaching Mr. Northcutt in his behalf?

A.—When?

Q.—That you thought of approaching Mr. Northcutt in his behalf?

A.—No, sir, I didn't ever. I think Mr. Northcutt approached him by going to his chamber, and visiting him with me.

Q.—What did he say to him?

A.—I didn't note it particularly; they talked about the appearance of Sonoma, I suppose, and general matters; its fine grain produce, vintage, and all that sort of thing.

Q.—Was that all they talked about?

A.—I don't know, they might have talked of other things. I was talking to Mr. Hart a oneside.

Q.—You were talking to Mr. Hart a oneside?

A.—Yes, sir.

Q.—What were you talking about?

A.—I could not tell you, sir.

Q.—Was it about the Senatorial contest?

A.—I don't know, really, what it was about. I think it was about poetry, sir, we were talking.

Mr. Amerman—Mr. McNamara, you said before this committee, on your oath, that you never received, directly or indirectly, from Albert Hart, the sum of fifty dollars?

A.—Did I swear to that, sir?

Q.—I ask you whether you state it now, on your oath, that you never received from Albert Hart the sum of fifty dollars, directly or indirectly?

A.—Before the election?

Q.—At any time?

The Chairman—That is a fair question, you must answer it.

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A.—When I am on my oath, it's a very serious thing for me to know what the question is. I have a right to understand the question exactly.

Mr. Amerman—I will repeat the question again. I don't care about any display of your scholastic ability and trickery at all. You are now a witness on the stand, under oath, and I ask you now as a witness, under oath, whether you ever received the sum of fifty dollars from Albert Hart, directly or indirectly?

A.—The sum of fifty dollars I never received from Albert Hart, directly or indirectly.

Mr. Coggins—Mr. McNamara, when Mr. Martin mentioned to you that he had received a note from Mr. Hart requesting you to come up, did he give you fifty dollars, either in coin, in notes, in a check, or money order?

A.—No, sir.

Q.—Did he inform you how you could obtain fifty dollars?

A.—How I could obtain fifty dollars?

Q.—At that time; which had been sent down by Albert Hart for your use?

A.—Did he inform me how I could obtain fifty dollars? No, sir; he did not.

Q.—Did you receive fifty dollars from any source after you received this information from Mr. Martin that you were wanted here, and before you left the wharf in San Francisco?

A.—Did I receive fifty dollars before I left the wharf, from any source?

Q.—Between the announcement of Mr. Martin that Mr. Hart desired you to come up, and your departure from the wharf—did you receive fifty dollars from any source?

A.—I did not.

Q.—From any source?

A.—Yes, sir; I received fifty dollars; I think I got one hundred and fifty dollars or one hundred and eighty dollars from one source; I don't know which.

Q.—Did you receive this sum of fifty dollars from any source?

A.—I heard of fifty dollars. No, sir; not from any source. Well, I may have, sir; I was to get fifty dollars for night school; I may have received that.

Q.—Did you receive fifty dollars, in any form, which you had not earned by your regular business?

A.—No, sir; I did not.

Q.—Did you receive any sum which was given to you as having come from Albert Hart?

A.—I did, sir.

Q.—What was the amount?

A.—Forty-five dollars.

Q.—How did you receive it?

A.—In gold coin.

Q.—Who gave it to you?

A.—Mr. Martin.

Q.—Did Mr. Martin state what that was for?

A.—Yes, sir; to assist me in my expenses here.

Q.—To assist you in paying your expenses to come up and get a State certificate, a State diploma for yourself, and a renewal of certificate for your wife?

A.—No, sir; but to come here, perhaps, and spend a few days in behalf of Governor Booth.

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Q.—Did you not swear that your only business that brought you up was to attend to that business, the first time?

A.—No, sir; I didn't, sir. That was not my only business; I said it was a business of mine.

Q.—You swear that you have never had any conversation with Mr. Morgan previous to the election of Governor Booth?

A.—Never, sir, to my knowledge; I may have, but I don't recollect it. I may have, but I didn't know that he was Mr. Morgan, member of the Assembly; I didn't know him as such.

Mr. Amerman—Mr. McNamara, I would like to ask you a question or two in relation to that letter which was received by the House the other day. Was that letter directed to the Speaker, personally, or was it directed to the Assembly?

A.—I wrote the letter, but I don't know, sir; it was directed on the inside to Mr. Estee—the Hon. M. M. Estee, Sacramento. It is my letter that you have, sir.

Q.—Did you intend that that letter should be read by the Assembly, or did you intend it as a private communication?

A.—Well, sir, I didn't think it would be read in the Assembly; I accompanied it with a certificate, thinking that the Speaker would take it into consideration, and prevent any further action. I did not imagine that I was dealing lightly with the Assembly, which it was not my intention to do. I was sick, sir, and I was not capable of coming. I thought he would read it for his own information, and therefrom glean sufficient to think I was justified in stopping away until I got means to try and come.

Q.—Do you remember the contents of that letter?

A.—Yes, sir.

Q.—Do you remember certain statements in that letter concerning Mr. Wright?

A.—Yes, sir; I do.

Q.—Were the statements in that letter true or false, so far as Mr. Wright was concerned?

A.—Well, they may not, sir, be false.

Q.—At the time that you penned those lines in relation to Mr. Wright, did you intend to convey the impression to the mind of the Speaker of the House that they were true?

A.—Well, sir, I used a term there, which is "imbecility," which I didn't intend should bear the meaning that has been assigned it, in the Assembly, in regard to Mr. Wright, because I have even heard his very best friends use similar favorite epithets in regard to him, as boys call their father "the old man," "the old codger," or "the old fogy," which in themselves are respectful enough, but in certain cases they would not be. In one they would and in another they would not be. It depends on just exactly how you take it.

Mr. Norton—Did you, at either of the visits you made to Sacramento, during the Senatorial contest—did you have any conversation with any other of the known friends of Governor Booth, except Albert Hart?

A.—Of the known friends?

Q.—Those that you knew to be friendly to him in the contest?

A.—Yes, sir, I did.

Q.—Did you converse with Mr. Estee?

A.—No, sir.

Q.—With Mr. Swift?

A.—No, sir.

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Q.—With Mr. Edgerton?
A.—No, sir.
Q.—None of the supposed leaders of the Independent party?
A.—No, sir.
Q.—What other friends do you mean, when you say you conversed with known friends of Governor Booth?
A.—Those men that I met in the hotel.
Q.—Well, name some of them.
A.—I declare I don't know what the names of them are, but I could point them out to you—men that exercised their influence for Booth, and spoke loud about him.

On motion of Mr. Amerman, a recess of fifteen minutes was taken.

TESTIMONY OF W. S. M. WRIGHT—(RECALLED.)

W. S. M. Wright, recalled, sworn, and examined:

Mr. Norton—Mr. Wright, you have heard the testimony of Mr. McNamara, have you, upon the stand? You have been here during all his testimony, have you not?
A.—Yes, sir; I have.
Q.—Have heard it all?
A.—I think so.
Q.—From beginning to end?
A.—Yes, sir.
Q.—You have heard his statements with reference to his specific denial of what he said about the interview with you that night when he came there when you was in bed, Mr. Wright?
A.—Yes, sir.
Q.—Do you still reiterate what you said on a former occasion?
A.—I stated on the former occasion just the conversation that occurred between us, just as I recollect; but as he said here, he might have said something about Mr. Brown, sir. He was in Europe. I don't recollect whether he did or not.
Q.—Was that his private business with you, to talk about Mr. Brown?
A.—I was expecting a letter from Mr. Brown. Mr. Brown has gone to England, but Mr. Brown's wife is in San Francisco, and he was acquainted with her.
Q.—Did he then and there state to you in substance, or to the effect that he was here for the purpose of aiding poor men in this Senatorial contest?
A.—As I said the other night, I started the conversation, and commenced laughing at him, telling him that I understood Jones was coming up, etc. And as I remarked the other night, and he said that he was here for the purpose of helping poor men, and to procure votes for Governor Booth. About that time, or just before, he showed me a dispatch that he had received from Mr. Hart, asking him to come immediately.
Q.—How did the dispatch read?
A.—There was just only a few words in it: "Come immediately," or "Come at once," or "Come right away." I don't remember which was the exact words.
Q.—In this conversation, did he inquire in regard to Mr. Northcutt?

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A.—Yes, sir; he asked how he stood. I told him how he had stood all the time.

Q.—Did he ask you if you thought he could approach Mr. Northcutt?

A.—I told him that I would rather it was him than myself. I went on and told him concerning Mr. Northcutt's family. I knew Northcutt's family ever since I was a boy, and they were above reproach in every way.

Q.—Did you afterwards receive a letter from him in reference to Senator Hager's fight?

A.—Yes, sir.

Q.—Where is that letter, Mr. Wright? Is it now in your possession?

A.—If I didn't throw it away, it is at home. I was a little provoked when I received it, though I think I put it away.

Q.—How long after Governor Booth's election?

A.—The letter was written the morning before Mr. Hager was elected. I left here in the morning, and went home the day Mr. Hager was elected. I was not here.

Q.—Where did you receive the letter; here in Sacramento?

A.—I received it at home. It was sent here, but was returned to me.

Q.—Sent to Sonoma?

A.—Yes, sir; but I met him here at the hotel, and he told me he had written to me; and he said you had left and will not get the letter.

Q.—What did he say in the letter, according to your best recollection?

A.—There were only a few words I recollect particularly. He went on and advised me—I suppose he thought he was capable of doing it—to leave the Democratic party, and go to Governor Booth and ask him how I should vote—whom I should support for the short term—and says he, "In so doing we will be doing something for ourselves." That part of it I recollect very distinctly. I don't know that it is in those very words.

Q.—But that is the substance of it, according to your recollection?

A.—Yes, sir.

Q.—It made you indignant, and you have either left the letter at home or destroyed it?

A.—Yes, sir; I left it at home, if I didn't destroy it.

Q.—At the time that he showed you a dispatch from Albert Hart, did he say that he would meet or had met him that evening?

A.—He didn't say, to my recollection, or I didn't ask him.

Q.—Please reiterate again to the committee what he did say to you the morning of the election, here in the Capitol, about a man's being too slow.

A.—I met him just there at the door, and says he, I have got a man that is going to vote for Governor Booth, he says, the second ballot, to-day; says he, he will not go the first ballot; but he has just been here and told me he will go for him on the second ballot; and, says he, I have been down to the Governor's room and informed him that there is a man will go for him on the next ballot. After the ballot was over, I met him at the door, and I don't know whether I spoke to him or he to me. He says that the man was too slow, and a man lost a good thing sometimes by being too slow. The Governor has slipped in, and, of course, he has missed a good thing. I didn't ask him what the good thing was, but I am under the impression it is the same man he told Mr. Dixon about; but I am not positive.

Q.—Mr. Morgan?

A.—Yes, sir.

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Q.—He told you that he had seen his man and talked with him?

A.—He said the man had just came out and told him that he was going for Governor Booth, on the second ballot.

Q.—Exactly. You heard his testimony, to-night, when he said that he never had talked with this man—admitting that it was Morgan. You heard that?

A.—Yes, sir.

Q.—Your impression is, that that is the man he spoke of?

A.—That is my impression. Whether he did talk with the man or not, that I don't propose to say.

Q.—But he told you he had?

A.—He told me he had. After hearing his evidence here to-night, I should want some more corroborative evidence to believe most anything he would say.

Q.—Then his statements about his interview with you in the night-time there are unfounded?

A.—Yes, sir.

Q.—Totally unfounded?

A.—Yes, sir; I don't think he stated anything in regard to the conversation that was correct; but he evaded all the principal points that we talked about.

Q.—Persistently evaded and denied?

A.—Yes, sir.

On motion of Mr. Amerman, at twenty minutes past ten o'clock, P. M., the committee adjourned until Wednesday, at seven oclock, P. M.

SIXTH DAY'S PROCEEDINGS.

At thirty-five minutes past seven o'clock P. M., the committee met.

TESTIMONY OF THOMAS WAND.

THOMAS WAND, called, sworn, and examined:

The Chairman—The object of this investigation is to ascertain the facts, if possible, in regard to the alleged bribery and corruption against the honor and honesty of undesignated members of the present Legislature, in regard to the late Senatorial contest. If you know anything in regard to this matter you will please state it to the committee, or answer such questions as any member may ask you.

Mr. Norton—Where do you reside, Mr. Wand?

Answer—San Francisco.

Question—What business are you engaged in?

A.—I am a merchant—wholesale liquor dealer, on Front street.

Q.—Were you here in Sacramento during the late Senatorial contest?

A.—Yes, sir.

Q.—What time did you come up to Sacramento?

A.—I can't recollect the day, but I think I was here nearly all of the month of December up to the holidays; that is, off and on, I was the most of the time here.

Q.—Did you come up before or after the Legislature convened?

A.—After—a day or two afterwards—a very short time afterwards.

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Q.—Did you take any part in the Senatorial struggle?

A.—Yes, sir.

Q.—For whom were you working; in whose interest were you working during the time, if anyones?

A.—Well, at Judge Hager's request, his family affairs being so that he could not come up here himself, I came to represent him, and did so; came here as one of his representatives, he being a candidate for the United States Senate.

Q.—Did you take any particular part for or against Governor Booth in his struggle against Mr. Farley and Shafter?

A.—No, sir; I didn't.

Q.—Took no stock in that fight, at all.

A.—None at all.

Q.—How much money besides your actual traveling expenses, if any, did you bring with you to Sacramento, after Judge Hager had requested you to come here and take charge of his affairs as his friend?

A.—I brought none at all except my own money, and but very little of that.

Q.—During the struggle did you send to San Francisco for money?

A.—I didn't; not for a cent.

Q.—Was any money, to your knowledge, used in that contest by way of gaining votes for your friend Mr. Hager?

A.—Not one cent to my knowledge and my belief. I might qualify that answer though, because I don't want to place myself in the wrong in any way, shape, or form. I was here nearly a month, and being the representative of a man who was a candidate for the United States Senate, I lived a little more freely probably than I would have done under other circumstances, and until the whole thing was over I spent of my own money and disbursed a few hundred dollars—not to exceed six hundred dollars, from the beginning to the end.

Q.—You mean by disbursing legitimately?

A.—Yes, sir; that I spent it freely—as a man would live a little more freely being in that position.

Q.—What I wanted to get at was to know if you, from your own knowledge, knew of any money being used to influence voters?

A.—I don't know of a single cent being used; but so far as I am concerned, myself, I say positively that I never mentioned Judge Hager's name in connection with money to any member of the Legislature, and I never authorized anybody else to do it.

Q.—In disbursing the money that you spoke of, not to exceed, say six hundred dollars, and in living in the manner you speak of, it was, I suppose, simply with your friends?

A.—Exactly; dinner, wines, etc., and so on.

Q.—Do you know of any promises of place or position being offered, by yourself or any other friend of Judge Hager's, to secure any votes for him?

A.—I don't; I never made any such offer, and I don't know of any such ever having been made.

Q.—Did you, from time to time, apprise Judge Hager by telegraph, or otherwise, how the vote was going?

A.—I did.

Q.—And you say, that at no time did he send you money?

A.—Not a cent.

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Q.—And at no time did you send for money, yourself, to use in the contest?

A.—That is what I say, I didn't; I had means of getting money of my own; I never used one dollar of Judge Hager's money in the fight.

Q.—When he asked you to come here and take charge of his fight—his family being sick—asked you to represent him and his interests—did he say anything about using any means in the fight?

A.—Yes, sir.

Q.—What did he say about that?

A.—He said this: That if I would come to Sacramento, that he was willing to pay any legitimate expenses, but nothing for corruption purposes; and for the purpose of corruption, corrupting the Legislature, or a member of the Legislature, in any way, shape, or form; and I have got a letter in my pocket from him now to that effect.

Q.—When was that written, Mr. Wand?

A.—This was written before he was elected—the letter that I have got.

Q.—What caused him to write such a letter as that to you, if nothing had ever been said between you about money being used in that direction and for that purpose?

A.—What caused it?

Q.—Yes.

A.—Well, I don't know, except that it might be for this, that he, knowing my enthusiasm in this nature, that when I started in to make a fight, that I might possibly compromise myself, although I had never had any authority to compromise him.

Q.—At what place in this State was the money that you speak of principally spent; at what hotel or hotels, or dining rooms, places where you and your friends congregated?

A.—I lived at the Golden Eagle Hotel. There was three or four of us besides.

Q.—You had your headquarters there?

A.—Yes, sir.

Q.—Were you aware of the change that would occur, prior to its occurrence, in getting from the candidate for whom they had been voting, members over to Judge Hager on the day he was elected? You were in the Assembly chamber that day, were you not?

A.—Yes, sir.

Q.—Were you aware, before that vote was taken, that these members that they would change ever—Republicans that had been following the Republican candidate straight through—were you aware, before that vote was taken, that they were going for Judge Hager?

A.—I was aware that three Republican Senators were going to do it, because they had told me so; and, I think, on account of personal friendship to me. And if you want to know, I will tell you who they were.

Q.—Who were they?

A.—Andros, Kent, and Duffy.

Q.—And Duffy?

A.—Yes, sir. I was aware that they were going to do it, from the fact that they had promised me to do it, if we ever got in reach; and I have every reason in the world to believe that they did it through personal friendship to me—those three gentlemen.

Q.—Had you, or any one else, so far as you know, held out any

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inducement to these men to change, and go for Judge Hager, prior to their voting for him?

A.—I have no other knowledge or belief, than what I have just stated; that it was through personal friendship to me.

Q.—And that there was no inducement?

A.—That there was no inducement.

Q.—Either promise, or hope of reward, or place?

A.—So far as I am concerned there was not any, and I have no reason to believe that there was any from any source. At any rate, I think—well, I have no knowledge, or belief, that there was any other reason.

Q.—Are you acquainted with Mr. Snyder, of Mariposa?

A.—I was never acquainted with him until after the election. Never spoke to him.

Q.—Did you have any conversation with him about voting for Judge Hager?

A.—Not until after the election. I was introduced to him on the cars, as we were going down, after the election was all over.

Q.—You didn't know him before?

A.—No, sir; I didn't know him before; I never spoke to him before.

Q.—And these members were the only ones—the ones that you have named, Messrs. Kent, Duffy, and Andros—were the only ones that you knew of that would change and go for Hager on that ballot?

A.—By my request; yes, sir.

Q.—They were the only ones that you knew would change before the ballot was taken?

A.—I knew—I didn't know in one sense of the term.

Q.—Well, you had good reason to believe?

A.—I had good reason to believe that there were fifteen Republicans that would do it.

Q.—What made you believe that there were fifteen Republicans that would do it?

A.—Because I had been told so.

Q.—Because you had been told so?

A.—Yes, sir.

Q.—In conversation with members themselves?

A.—No, sir; but what I had heard, that there were fifteen of them ready to do it, if it was necessary for them to do it.

Q.—Was it stated to you what the reason was?

A.—Yes, sir.

Q.—What was the reason then related to you?

A.—Well, because they didn't want another Dolly Varden elected United States Senator.

Q.—That was the reason, was it, why thirteen Republicans—assigned by thirteen Republicans?

A.—By fifteen.

Q.—Fifteen Republicans?

A.—Yes, sir; that was from hearsay, however, as I tell you; I only tell you from my own knowledge that these three gentlemen had promised me individually.

Q.—What reasons did they assign for the change, if any. What reasons did the three who made it assign for the change, if any?

A.—Well, the reasons that they assigned to me, were: because that they knew I was in Judge Hager's fight, and that they were my intimate personal friends; we having been in the Senate together—all of

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us, and I requested them to do it; and they promised me that they would do it, if it came in reach so that their votes would do it.

Q.—Didn't assign any reason for so doing in talking?

A.—I believe it was on the ground of personal friendship.

Q.—They didn't, to you, assign any reason?

A.—No, sir; no more that I assume it.

Q.—That it was on personal grounds, or friendship to you—having known you the length of time you spoke of?

A.—Yes, sir; exactly—exactly.

Mr. Coggins—Mr. Wand, are you acquainted with Richard Murray?

A.—Yes, sir.

Q.—Were you, during the Senatorial contest?

A.—Yes, sir.

Q.—Did he take an active part in it in any way?

A.—Did he?

Q.—Did he?

A.—Well, not that I am aware of. I employed him as a servant—as a sergeant-at-arms, as it were—or a messenger.

Q.—You paid him, did you, for his services?

A.—Yes, sir; I paid him for his services.

Q.—How much did you pay him?

A.—Well, I don't know. Mr. Bullock and myself, possibly, paid him one hundred or one hundred and twenty-five dollars.

Q.—Was that all that he was paid, so far as you know?

A.—That was all, with the exception of fifty dollars, that I paid him after I went to San Francisco. That was for another purpose.

Q.—Did he ever tell you that any member of the Legislature would vote for Mr. Hager, on condition of the payment to him of a sum of money? Whether he thought that any member would?

A.—Not until after the election—he never did.

Q.—Didn't tell you before the election, that he thought that any particular member could be induced to vote by paying a certain amount of money?

A.—No, sir.

Q.—Do you know whether he received money, from any source, to pay to any members, for any reason?

A.—I don't know that he did, and I don't believe that he did.

Q.—Have you had conversations with him, since you went to San Francisco, on the subject?

A.—Yes, sir.

Q.—Several?

A.—One or two.

Q.—Has he demanded more money from you for his services?

A.—Yes, sir.

Q.—How much does he demand?

A.—Well, I gave him fifty dollars. It was like this: During the holidays, when a good many or a large number of the members of the Legislature were in San Francisco, and Judge Hager was expecting to go away every day, and there were a great many of the members that he didn't know at all, personally, even of the men that voted for him, that he desired to see and become acquainted with, so he and I came to the conclusion that he had better have a reception at the Cosmopolitan Hotel—Judge Hager and myself came to that conclusion. And so I saw Murray and told him, says I, "We are going to have a reception there, and we have engaged a parlor"—and we did have a reception for two

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afternoons; and I told Murray, says I, "If you will go and hunt up these gentlemen and take the invitations to them, why, I will pay you for it," and did so. He, I suppose, spent a couple of days in that kind of business, and I gave him fifty dollars for it.

Q.—Have you paid him any money in San Francisco for services rendered here in Sacramento?

A.—No.

Q.—Has he at any time there made any threats to you in his demands for more money—said anything of a threatening character?

A.—Well, yes, he has.

Q.—What were the threats?

A.—That I had not paid him enough money; that he ought to have more; that he only got a hundred dollars, or one hundred and five dollars or one hundred and ten dollars, out of Bullock and me both, up here, and only fifty dollars down there, and it was not enough; and he thought he ought to have some more money.

Q.—Did he, at any time, say to you that if you didn't pay him money he would expose certain matters in connection with the Senatorial election, and make a worse showing than could ever have been made with regard to the Casserly election?

A.—No; he never said that.

Q.—Did he ever say anything of that import—comparing this election with the Casserly election, so far as bribery and corruption was concerned?

A.—No, sir; he never made any comparison of that. He wanted to get more money out of us, because I had not paid him enough.

Q.—Did he threaten, if you didn't pay him more money, he would expose, or make an exposition of something here?

A.—Yes, sir.

Q.—What did he say he would expose?

A.—That somebody or other had been bribed. Well, I will give you the whole story: that I had come up here with a large amount of money, and had expended it for the purpose of bribing members of the Legislature, and that he had not got enough of it. All of which, of course, was not the truth, because I never came up with a dollar of anybody's money.

Q.—In response to those threats, you say, you never gave him a dollar in San Francisco?

A.—I don't know; I never did give him a dollar.

Q.—Did you make any arrangement by which anybody else would give him anything?

A.—No, sir; I thought that I had given him enough money here; and I, after having employed him to go and look up members of the Legislature and take invitations to them to come to Judge Hager's reception, I didn't suppose, at the time that I employed him to do that, that I was going to have to pay him any more money, because I thought I had given him enough here; because I never had anything to do with him, except to employ him as a messenger; that was all I had to do with him here or even there; but he came and demanded more money. And when I was paying Judge Hager's bill at the hotel, before I had paid it, he came and demanded more money. "Well," says I, "here, if you are just going to quit this thing now, of bothering me, I will add fifty dollars more to Judge Hager's bill and pay it to you," which I did.

Q.—At what time was that done?

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A.—It was some time during the holidays; a few days before Judge Hager left, and Judge Hager was expecting then to leave every day.

Q.—Do you know of his having received any money on account of his services here since this bribery investigation was commenced?

A.—I know that he didn't; that is, I know that he went to Judge Hager for money, and Judge Hager referred him to me; and I ordered him out of the store.

Q.—How long ago was that?

A.—Well, that was probably a month ago.

Q.—Did he at any time, in either of these conversations, name any member that he said had received any money in the fight?

A.—No, sir.

Q.—Did he name the person that he alleged had paid the money?

A.—No, sir.

Q.—Did he say that he himself paid the money for any parties, or carried money to any parties?

A.—No, sir.

Q.—Did he give no intimation that he had handled money, received it from some source, and paid it over to any member?

A.—No, sir; not any.

Q.—You stated in the investigation that you brought but little money with you, and did not send for any more. Did you receive any more without sending for it, from any source?

A.—Yes, sir.

Q.—From whom?

A.—I have a customer here. In the City of San Francisco, as I said in my original examination, I am a wholesale liquor dealer. I have a customer here by the name of E. L. Billings, from whom I drew during all this contest, six hundred and twenty-five dollars, and gave orders on my own establishment, in San Francisco, to pay it.

Q.—Have you seen Mr. Murray, with reference to this matter, since the examination commenced?

A.—No, sir; because he insulted me. I looked upon him as trying to extort money from me—to blackmail me—and I ordered him out of my store, and have not seen him since.

Q.—On what basis did he claim it?

A.—Because he thought he had not got enough.

Q.—But if he had no facts on which to base such a demand?

A.—No, sir; no claims to base such a demand. He fastened himself on me like a horse-leech when he came up here. The first question he asked me was, if there was not a large amount of money in this fight, when he knew I came here for Judge Hager. I told him no, there was not a quarter of a dollar, and he then said, you had better turn around and go back home. The first onslaught he made on me was to get ten dollars to pay a week's board he owed at the City Hotel, and I gave it to him; and then for the next twenty days it was five dollars here and five dollars there, and so forth, and so on, as I tell you; but he had no authority from me, or from anybody else that I am aware of, to do anything except to attend and attempt to extort money from us, which he did.

Q.—Do you know where Mr. Murray is now?

A.—Yes, sir—at least, I don't know. I suppose he is in San Francisco—he lives there.

Mr. Norton—Mr. Wand, did you know the character of this man Mur-

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ray when you met him, and allowed him to fasten himself upon you. Had you known him before this time in San Francisco?

A.—Yes, sir.

Q.—Did you know what his reputation was?

A.—Yes, sir.

Q.—What reputation does he bear in San Francisco, where he is known, for honesty and integrity, truth and veracity?

A.—Well, I will tell you about that: He is a carpenter by trade, and a few years ago he was a hard-working man, that made his living honestly, and I became acquainted with him from belonging to the same political party that he did, and looked upon him as a good square man; and I never knew anything to the contrary about him, until recently; and, from this thing, I have made up my mind, and come to the conclusion now, that he is not—well, he is a ward politician.

Q.—That is the character the man bears below, in San Francisco?

A.—Yes, sir.

Q.—But you had no idea, until he proved himself to be that character to you, by his demand upon you for money, that he was that character of a man?

A.—No, sir; I had no such idea in the world; I would not have had anything to do with him. For instance, when the last Democratic Convention was here—the Democratic Judiciary Convention—I, myself, had him elected Sergeant-at-Arms of the Convention, and he was not a man of bad character at all, I thought.

Q.—When he asked you the question if there was much money in this fight, and you told him no, not a quarter of a dollar, and he replied that if that was so, you had better turn round and go home, didn't that give you an indication of what his true character was?

A.—No, I don't know that it did, from the fact that they all appeared to be so on the outside. I don't mean to say that it appeared to be so in the Legislature; but on the outside it appeared to be the impression that there was going to be large amounts of money used.

Q.—That was public rumor?

A.—Yes, sir; exactly. Well, I just thought in this way: that this man had taken the same view that the public appeared to entertain—the popular mind.

Q.—You didn't take it then as an evidence of his dishonest tendency?

A.—No, sir, I didn't; and I never gave him any money improperly, or for any dishonest purposes.

Q.—And you say you knew of none being used during the contest, either for Senator Hager or Governor Booth, or any of the parties?

A.—I do say, positively, that I don't know of my own knowledge, or of my belief, of there being used one dollar of money, either for the election of Governor Booth or of Judge Hager, to the posts to which they were elected.

Q.—How much of this hundred dollars had you paid yourself? You say you and Mr. Bullock, together, paid him about that sum here?

A.—Oh, I can't tell.

Q.—You paid it, I suppose, in small amounts—five, ten, and twenty dollars—as he demanded it, to keep up his running expenses?

A.—Yes, sir. Mr. Bullock and me had rooms together. Mr. Bullock was here as my colleague.

Q.—In making the contest?

A.—In representing Judge Hager; and I think that we, between us, probably, gave this man what I say—one hundred dollars, or one hun-

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dred and ten dollars, one hundred and fifteen dollars, or one hundred and twenty dollars.

Q.—Have you any objection to submitting the letter you spoke of to the committee, Mr. Wand?

A.—Judge Hager's letter?

Q.—Yes, sir.

A.—No, sir. On the contrary, I will be very proud to do it.

Mr. Coggins—Did Mr. Murray board at the Golden Eagle also?

A.—No, sir.

Q.—Did you, in addition to this one hundred and fifty dollars, pay his board while he was here?

A.—No, sir. We gave him moneys to pay his board, and he done so.

Q.—What has given you such a bad opinion of Mr. Murray? According to your testimony, he done nothing but what was fair and honorable in what you employed him to do. What has changed your mind?

A.—I don't know that my mind is very particularly changed, only from the fact that he came after me very much; nearly all the time I was here, there was scarcely a day but what he wanted five dollars, or ten dollars, and then afterward, in San Francisco, coming and wanting me to give him more money.

Q.—Is the fact that he thought his services worth more than you thought them, sufficient to cause you to change your opinion as much as you have done? That seems to be the only reason you had for changing your mind?

A.—Well, he afterwards went to Judge Hager's house, and that made me have a worse opinion of him, and he demanded money from him.

Q.—Did he make any threats to Judge Hager?

A.—Not that I am aware of; but I cannot say positively as to this thing; only what Judge Hager told me, that he—this man Murray—had come to his house and "wanted money from the fact that he had been working for me and laboring for me here." Now, I can only repeat what Judge Hager said to me, of course, and of course I can't swear to the truth of it, but the probability is that it is so; that he went to Judge Hager and told him that he had labored, and worried, and worked for him for months, and Judge Hager told him, says he: "I have no knowledge of anything of the kind, and my representatives in Sacramento are Messrs. Wand and Bullock; if they created any obligations to you, why go to them; I am willing to pay any legitimate expenses that they create; but I don't recognize you or anybody else." I was not there, and don't know anything about it; and he then became somewhat obstreperous, and Judge Hager ordered him out of his house, and it was then that he came to me again and that was what made me change my mind about him.

TESTIMONY OF L. L. BULLOCK.

L. L. Bullock, called, sworn, and examined:

The Chairman—Mr. Bullock, the object of this investigation is in order to ascertain the facts in regard to the alleged bribery and corruption, in regard to this late Senatorial contest. If you know anything with regard to the matter, you will please state to the committee, or answer such questions as they may desire to ask you.

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Mr. Norton—You are the Mr. Bullock spoken of by Mr. Wand?

Answer—Yes, sir.

Question—You were here during the Senatorial contest, were you not?

A.—Yes, sir.

Q.—You had rooms, as Mr. Wand stated, with him, at the Golden Eagle Hotel?

A.—Yes, sir.

Q.—Do you know this man Murray?

A.—I do.

Q.—Were you acquainted with him in San Francisco, before you came to Sacramento?

A.—I have known him, I suppose, about two years.

Q.—Has your acquaintance been an intimate one, or a casual acquaintance?

A.—Well, not an intimate one. I met him, probably, once a month—saw him on the street—but never was intimate with him. I knew him as a ward politician, and one who interested himself in the Democratic party.

Q.—Did you come here in the interest of any one in the Senatorial contest; and if so, whom?

A.—I came up here to aid, all I could, the Hon. Judge Hager's election.

Q.—Did you come up at the same time Mr. Wand did.

A.—I did not.

Q.—How many days after?

A.—Well, Mr. Wand had been up here——

Q.—And returned to the city?

A.—And come back to the city. I met him on Sacramento street, and he thought I, probably, could do some good, and asked me, as a personal favor, to go; and I promised that I would, and came up here for that purpose.

Q.—Mr. Wand says that he and you disbursed about one hundred dollars to this man Murray, while here, for his services as a messenger for you.

A.—Yes, sir.

Q.—How much of that money did you pay Murray?

A.—I paid him here, in four different times, twenty dollars; I paid him in San Francisco, I think, the day before Christmas, twenty-five dollars.

Q.—In what capacity was he acting when you came up here—you came up after Mr. Wand?

A.—I don't know what his capacity was. He came and asked me, as a favor, to lend him money; said he was entirely out of money, and asked me to let him have some. I told him I had but little, and I gave him five dollars; and I had him for three days to go and see certain people, and watch them, so as to hear conversations; but not any particular, special business, only to find out what he could.

Q.—To shadow them?

A.—Yes, sir; you might call it shadowing.

Q.—Was he around your rooms at the Golden Eagle?

A.—Well, he was there, I believe, most every day; some days he didn't come.

Q.—How much money did you bring with you from San Francisco—any more than enough to pay your traveling expenses?

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A.—I think, about sixty dollars.

Q.—That was the extent of it?

A.—That was all at that time. I went down to see my family, and got fifty dollars more.

Q.—During the contest, so far as you know, Mr. Bullock, from your own personal knowledge, was any money used in securing votes for Mr. Hager, or any other Senatorial candidate?

A.—Not one dollar; not one cent.

Q.—Any promise of place or position?

A.—Not from me, or from any one else that I know of. I heard a good deal of street rumor, but I knew nothing of that.

Q.—Just heard street rumors?

A.—I heard what everybody heard.

Q.—That there was a great deal of money in the fight?

A.—But knew nothing about it.

Q.—Knew nothing about it of your own knowledge?

A.—No, sir.

Q.—Did you or did you not have any friends who were acting for you, approach any member of the Legislature to gain their votes through any undue influence?

A. Not to my knowledge, directly or indirectly. I never authorized anybody, and didn't know of anything of the kind. I had friends that were working very zealously for Judge Hager, and did everything they could in the matter—in the way of talking.

Q.—Friends that resided in San Francisco, I suppose?

A.—Well, some of them were from there, and some from here. I have four or five friends here that are good friends of mine, and I urged them to do all they could for Hager.

Q.—You staid here until the contest was over?

A.—I did.

Q.—Was Mr. Hager aware that you were working in his interest?

A.—He was. I was in correspondence with him. I wrote him, I think, every day, stating the condition of affairs.

Q.—Was anything said between you in this correspondence, or at any interview that you had with him, about the use of money to gain votes, if they were needed?

A.—None whatever. None whatever.

Q.—About anything of value being used, aside from money?

A.—No, sir; not any promises or pledges, or anything of the kind; but he wanted me to come up here and do all I could that was honorable and just, but, under no circumstances, to use any undue influences, or improper influences.

Q.—Why did he feel it necessary to caution you in that regard?

A.—Well, I suppose he had that natural inclination to do everything that was right; that is in the man. I have known him a long while and know he would not stoop to corrupt a man or use his influence to corrupt him, or allow any one else to do so.

Q.—Were you and Mr. Wand the principal friends working for him, that he had here. Was the power delegated to you?

A.—He had influence, I suppose, from others. I know there were others working for him.

Q.—What others, if you know? Who were they, Mr. Bullock?

A.—Well, there is a man by the name of O'Neil, and the Hon. Mr. Gildea was working very zealously for him; and, in fact, several members of the Democratic party were doing their best. There were sev-

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eral parties from San Francisco that I do not know that were working for him.

Q.—How long before the final vote was it known to you and Mr. Wand that the fifteen Republicans would go over to vote for Hager if they ever got within the reach?

A.—That was a mere rumor. I knew of Mr. Kent. He said, "Duffy, Andross, and I," with some other gentleman—I have forgotten the name—that whenever Hager got within the proper number of votes, so that he could be elected, they would change their vote and go for him.

Q.—You didn't then know the other twelve?

A.—I do not know. It was a mere rumor that they would vote for him. I was not aware of the fact. I had every reason to believe these gentlemen would, because they said they would.

Q.—Did they tell you so?

A.—There were three or four parties.

Q.—I mean aside from these three?

A.—No, sir. Some of them I did not know at all.

Q.—Do you know about this man, Murray, trying to extort money from Mr. Wand since his return to San Francisco?

A.—I know it from Mr. Wand.

Q.—Did he try to do anything of that kind with you?

A.—No, sir; he came and wanted money, and I told him I was poor and could not give him any money; and the last money I gave him, he said he was poor, and I went out and borrowed it. I did so because I thought his services were worth that money.

Q.—Was that in San Francisco?

A —Yes, sir.

Q.—How much did you give him then?

A.—I gave him twenty-five dollars.

Q.—And that made forty-five dollars that you have given him?

A.—Forty-five dollars that I paid him.

Q.—Did he make any threats to you?

A.—No, sir.

Q —Or use any language that could be construed into a threat?

A.—No, sir; made no threats to me.

Q.—Have you seen him since that time to converse with him about it?

A.—I have not. Mr. Wand states he gave him fifty dollars afterwards.

Q.—That more than paid him for his actual services?

A.—I do not know. For all the services he rendered I should think that was sufficient.

Q.—Pretty steep, wasn't it, for what he did for you?

A.—Well, I do not know; he might have done more than what I am aware of. I considered that he was paid.

Q.—Well, while you were here, and he was acting for you, you had an opportunity of knowing what he did do?

A.—I could not tell what he did do. He might have done more for Mr. Wand than I was aware of. When he came and reported to me what was going on, and what he had heard in certain places, I could judge what he did for me in the getting of that information.

Q.—Did he name to you whom he thought could be brought over from the Republican candidate to Mr. Hager, after following the men around?

A.—No, sir; he never mentioned the name, to me, of any man that he thought could be brought over.

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Q.—Did you name any man to him whom you wanted him to follow?

A.—No, I didn't; I asked him to go to certain places and hear what was going on; sit around, listen, and report. I did not name or designate anybody particularly.

Q.—What places did you send him to, to see what was going on?

A.—Well, my special request was that he would go to the hotels.

Q.—Did you name any hotels?

A.—Well, no; not particularly; the Orleans and others; stay around the barroom.

Q.—The Capital Hotel?

A.—Yes, sir; the Capital Hotel. Wherever he could see people discussing the question of the Senatorial fight.

Q.—After he had been out on his mission or missions, did he report to you?

A.—He did, sometimes, I suppose; all the information he got he came and reported to me.

Q.—He gave it to you?

A.—Yes, sir.

Q.—Was this all the money that you know of his having received, Mr. Bullock; what you have stated?

A.—That is all the money that I know of his getting. I gave him that money for the services he rendered.

Mr. Coggins—Did you, at any time, while here, have control of twenty-five thousand dollars for any purpose?

A.—No, sir.

Q.—Did you have control of any sum of money more than the fifty or sixty dollars that you stated you brought here.

A.—Well, I think about sixty or seventy dollars that I got from Mr. Wand.

Q.—Did you ever send Mr. Murray with a message to any member of the Legislature—any particular member?

A.—I never did—never in my life.

Q.—Did he never tell you that he thought he knew of any member that he believed—whose vote he believed could be secured by the use of money?

A.—Well, I don't know that he ever told me that.

Q.—Has he ever threatened, since your return to San Francisco, to expose you?

A.—He never has to me; never has spoken to me since I paid him the money.

Q.—Have you seen him since this bribery investigation commenced?

A.—I have not.

TESTIMONY OF U. P. BARNES.

U. P. Barnes, called, sworn, and examined:

The Chairman—The object of this investigation is to investigate charges in regard to the alleged bribery and corruption against the honor and honesty of undesignated members of the present Legislature, in regard to the late Senatorial contest. If you know anything in regard to the matter, please state it to the committee, or answer such questions as they may ask in regard to the matter.

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Mr. Norton—You were here during the contest, Mr. Barnes?

A.—Yes, sir.

Q.—Are you acquainted with Mr. Bullock and Mr. Wand?

A.—I am acquainted with Mr. Wand, intimately, but not quite so well acquainted with Mr. Bullock; I know Mr. Wand.

Q.—Did you take any interest, yourself, in the Senatorial struggle?

A.—I was interested; not interested, particularly; but I was in Mr. Booth's fight; I didn't know anything about the Hager fight.

Q.—You do not know anything abut the Hager fight at all?

A.—No, sir; I was interested in Mr. Booth's fight, though.

Q.—Took an interest in Governor Booth's fight?

A.—Yes, sir.

Q.—Do you know of any money, or bank check, draft, or anything of value, being used to secure votes for Mr. Booth, or any other Senatorial candidate?

A.—I do not, sir.

Q.—You say you took no interest in Mr. Hager's fight?

A.—No, sir; I know nothing about the fight at all; in fact, I do not know much about Mr. Booth's fight, only I was desirous of his being elected.

Q.—But you do not know yourself, or know of others, using undue influences to secure votes?

A.—No, sir.

Mr. Coggins—Did you see any indications of money being used in the Booth fight?

A.—No, sir.

Q.—Hear any reports that you believed were well founded, at the time, that anybody had money for such use?

A.—No, sir; I do not know that one dollar was used for his election.

Q.—Do you know of any bets being made on the election?

A.—I bet five hundred dollars myself that Mr. Booth would beat Mr. Wallace; that Governor Booth would beat General Wallace.

Q.—Do you know of any other bets on that subject?

A.—No, sir.

Q.—Whom was your bet made with?

A.—With a gentleman named Newton.

Q.—Hank Newton?

A.—Yes, sir; that was the name; that is, I bet five hundred dollars against three hundred dollars, that Governor Booth would beat General Wallace.

Q.—Judge Wallace?

A.—Yes, sir.

Q.—Was that the only instance in which money was at stake in any way, that you know of?

A.—I was for Governor Booth for that one thing in particular—because I wanted to win.

Q.—Are you acquainted with Mr. Nosler?

A.—Very well, sir.

Q.—Have you any reason to think he had any money to spend in Mr. Booth's election?

A.—No, sir; I do not think he had a dollar.

Q.—Were you sufficiently intimate with him to know if he had money and had used it?

A.—Yes, sir.

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PAUL MORRILL and Mr. CAMPBELL were called, but neither answered.

On motion of Mr. Norton, the committee went into executive session at thirty-five minutes past eight o'clock, P. M.

Mr. Freeman—I move that we make no report until the Sergeant-at-Arms returns with the other witness, and until the testimony is closed.
Mr. Simpers—I second the motion.
The motion was carried.
Mr. Freeman—I move that we adjourn to meet when the Sergeant-at-Arms reports the other witness, at the call of the Chairman.
Mr. Coggins—I second the motion.

The motion was carried, and the committee adjourned.

WEDNESDAY, February 25th, 1874.

The committee met at forty minutes past seven P. M. Present—the full committee.

TESTIMONY OF M. E. JIMENEZ.

M. E. JIMENEZ, called, sworn, and examined:

The Chairman—I will state, Mr. Jimenez, that the object of this investigation is to ascertain, if possible, the facts in regard to alleged bribery against undesignated members of the present Legislature, in regard to the late Senatorial contest. State to the committee what you know, or answer such question as the committee may ask you in regard to the matter.
Mr. Norton—Where do you live?
A.—At San Buenaventura.
Q.—How long have you lived there?
A.—Since last June.
Q.—Where did you live before you went there?
A.—I lived in San Francisco, sir.
Q.—How long did you reside in San Francisco?
A.—The last time, I resided there from eighteen hundred and sixty-six—March, eighteen hundred and sixty-six, when I was mustered out of the army.
Q.—Did you ever live in Placer County?
A.—Yes, sir.
Q.—When?
A.—In eighteen hundred and sixty-two.
Q.—Where did you go from Placer?
A.—To San Francisco, and from there to San José.
Q.—What business did you follow in Placer?
A.—Mining, and sometimes trading.
Q.—In what part of Placer did you live?
A.—Forrest Hill. I also lived in Bunsly Cañon; I had a tunnel there—or an interest in a tunnel.
Q.—You were teaching, did you say, in Placer County?
A.—I had a Spanish class there at night, at Forrest Hill.

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Q.—What did you say had been your business in San Francisco?

A.—I was sometimes in the Custom House.

Q.—How long did you remain in the Custom House?

A.—I was altogether there about two years.

Q.—What were you doing in the Custom House?

A.—I was Inspector of Customs, sir.

Q.—What year did you go to the Custom House?

A.—I went there in eighteen hundred and sixty-nine, sir.

Q.—Since you have been in San Buenaventura, what have you been doing?

A.—As soon as I got down there I went to work in a lawyer's office, copying papers for him; and I did some work, some copying, for the County Clerk.

Q.—Are you still engaged in that business?

A.—I am, sir; I am in the lawyer's office, and am also a Notary Public, sir.

Q.—What is the lawyer's name?

A.—Hynes.

Q.—What?

A.—J. D. Hynes.

Q.—Are you acquainted with Mr. Escandon, a member of the Assembly?

A.—Yes, sir.

Q.—When did you first form his acquaintance?

A.—I formed his acquaintance the first time, in eighteen hundred and sixty-five.

Q.—In eighteen hundred and sixty-five?

A.—Yes, sir.

Q.—When you resided in San Francisco?

A.—No, sir. I was in the army, and we were traveling from California into Arizona. It was the first time I got into San Buenaventura.

Q.—Did you stop at the place where he lived?

A.—Yes, sir. We camped there from eleven o'clock in the morning until the next morning, and we then proceeded on our march.

Q.—When did you next see him, after leaving him there?

A.—In eighteen hundred and sixty-seven.

Q.—Where did you see him then?

A.—In the same place—in San Buenaventura.

Q.—When next after that did you see him?

A.—After that?

Q.—After eighteen hundred and sixty-seven?

A.—I don't believe I seen him until this last time; I went to live down there.

Q.—You have seen him, then, before this session of the Legislature convened?

A.—Yes, sir; I came up with him.

Q.—You came up with him to Sacramento?

A.—Yes, sir.

Q.—What business brought you here?

A.—Mr. Escandon, soon after the general election in September, told me that he wanted me to come up here; that he would use his influence for me to help me get a position here. He said, at any rate, that we would not starve; that we would get something to eat. When the time came to come, Mr. Escandon was sick, and I was tending to a vineyard of his for a few days. I had gone to the vineyard to look after things, and to keep the books. When I came back, he was down sick, and I

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remained at the vineyard until a day or two before we came up here. He got out of bed a day before we came up here.

Q.—Did you stop with him here in Sacramento?

A.—Yes, sir.

Q.—Where did you stay?

A.—At the Empire House.

Q.—At the Empire House?

A.—Yes, sir.

Q.—How much money did you bring with you to Sacramento?

A.—I didn't bring a single cent; I didn't have a dollar in my pocket when I left there. He paid my fare from the start.

Q.—And he paid your expenses while here?

A.—Yes, sir.

Q.—When he was in the Assembly chamber, did you keep with him?

A.—Most of the time; yes, sir.

Q.—What time did you return to the county where you live?

A.—I left Sacramento on the sixteenth day of January.

Q.—What time did you receive the appointment of Notary Public, if at all?

A.—Well, it was some time in February, I think. My commission, I think, is dated the twenty-seventh day of January.

Q.—Your commission is dated the twenty-seventh day of January?

A.—Yes, sir.

Q.—Were you here all through the Senatorial struggle?

A.—Yes, sir; I was.

Q.—Did you take any active part in that contest?

A.—Well, I have been a Republican, and a partisan of Governor Booth.

Q.—Did you take any active part in the Senatorial contest?

A.—Not very active.

Q.—Did you take any part in it?

A.—I did, sir.

Q.—What part did you take?

A.—Nothing more than was natural. I was all the time with Mr. Escandon, my friend. I said to him, I would like to redeem him from the Democracy, if I could, and bring him over to the Independent element.

Q.—You thought the especial duty devolved upon you of redeeming him from the Democracy?

A.—Not any special duty. I told him several times that I thought he would suit those who had voted for him, and those who had not, in his county, if he voted for Booth.

Q.—Who, if anybody, here in Sacramento or elsewhere, had asked you to try and get Mr. Escandon to vote for Governor Booth for United States Senator?

A.—Well, nobody had ever approached me to ask me to tell him to vote for Governor Booth.

Q.—At any time?

A.—Well, some men came to me and asked me——

Q.—What men came to you?

A.—I seen Mr. Tom Nosler; I met him——

Q.—What did Nosler say?

A.—He asked me if I thought Mr. Escandon would go for Mr. Booth. I told him it was a very hard matter to say.

Q.—How many times did Nosler come to you?

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A.—Two or three times.

Q.—Had you known him when you lived in Placer?

A.—Yes, sir; I knew him in Michigan Bluff.

Q.—At the time Mr. Nosler came to you, did he map out any course to be followed by you in getting Mr. Escandon to vote for Governor Booth?

A.—None whatever, sir.

Q.—Did he suggest anything to you—any means to be used?

A.—No, sir; none at all.

Q.—What other parties came to you during this struggle, and asked you to try and get Mr. Escandon to vote for Governor Booth?

A.—I think Bill Higgins.

Q.—Higgins of San Francisco?

A.—Yes, sir.

Q.—What did Mr. Higgins say to you?

A.—The same thing—only to try to get Mr. Escandon to vote for Governor Booth.

Q.—Where did these gentlemen meet you?

A.—Sometimes here in the Capitol, sometimes down in the Orleans House, and the Union House. I never had any conversation with him more than three or four minutes long.

Q.—You never had any night meetings with them?

A.—No, sir.

Q.—Do you remember of any other person that came to you upon the same matter?

A.—I do not, sir.

Q.—Did you sleep with Mr. Escandon?

A.—Yes, sir.

Q.—The same bed—you occupied the same bed?

A.—Yes, sir.

Q.—Did you frequently talk to him in his room about his voting for Governor Booth?

A.—I did, sir; yes, sir.

Q.—Do you remember one night in particular when he told you that if you didn't stop talking to him about it that he would have to turn you out of the house, or words to that effect?

A.—Yes, sir.

Q.—How long was that before the Senator was finally elected?

A.—I do not remember; but it seems to me it was about the seventeenth of December.

Q.—What impresses upon your mind the fact that that was the seventeenth of December?

A.—It was only a few days, I think, a very few days, before the election.

Q.—What day was Governor Booth elected?

A.—I don't remember; I think it was about the twentieth.

Q.—That was three days before this?

A.—Something about that.

Q.—What impresses that fact upon your mind, so positively, that it was the seventeenth?

A.—Well, I'm not positive that it was the seventeenth.

Q.—You are not positive about it?

A.—No, sir.

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Q.—Now, state to the committee what occurred that night in the room there between yourself and Escandon?

A.—That night we went to bed about twelve or half-past twelve. We both had more or less liquor in, as usual. He sat down on the sofa, and we got a talking; and I walked back and forth in front of him. He brought the subject up. I had failed, so far, to induce him to vote for Mr. Booth; but I was not discouraged yet; and I talked with him about it very earnestly; and he remarked to me: says he, Jimenez, says he, "If I was to vote for Governor Booth, or go outside of my principles, I don't think I would have the face to go face my family at home, to face my wife and children, or my friends" Then he complained that he was pecuniarily embarrassed to the amount of four thousand dollars or five thousand dollars; and that his business was going to the dogs; and he regretted very much that he had ever came up to this Legislature, for his absence would be ruinous to his business; he at times thought of resigning and going home. I told him not to despair, "If you get five or ten thousand dollars, says I, it will set you all right." Well, Mr. Escandon says, "How am I going to get that money?" Said I, "It is reported that Senator Jones has about three quarters of a million of dollars here to use in the Senatorial election." He was very indignant, and says, "Mr. Jimenez, you have got to stop that or go and sleep some where else;" but, said I, "I am not offending you in any way;" says he, "tell your friends if they offer me money, I will denounce them before the House;" said I, "I have no friends who are going to offer you any money." He cooled down a little, and I came out of the room and went and slept in a hotel. The next morning, I was going into the Bank Exchange Saloon to take my morning bitters, and I saw him there; and he called me to the bar and asked me to take a drink. I went and drank with him, and nothing more was said about it. I came up here with him, and was with him all the time that day; that afternoon we dined together. From that time I ceased to talk to him about voting for Governor Booth; and that is all there is in this, sir.

Q.—Did you not, in your conversation with him, state to Mr. Escandon that you could take him to a man who could get him five or ten thousand dollars for his vote for Governor Booth?

A.—No, sir.

Q.—That, you emphatically deny?

A.—Yes, sir.

Q.—Did you state anything like that in substance, or to that effect?

A.—No, sir.

Q.—Did you, at any time while you were here in Sacramento, with Mr. Escandon, state to him in substance that, or anything like that, in effect: that you could take him to a man, or men, that would give him five or ten thousand dollars for his vote?

A.—No, sir; I do deny that emphatically—if I was to lose my head for it; I never did it.

Q.—Did you, at any time while in Sacramento, state to Mr. Barron, a gentleman, I think, who resides on Second street in this city, that you had tried to get Mr. Escandon to vote for Governor Booth, and had offered him money, and that he refused it, and acted very foolish?

A.—No, sir.

Q.—And used offensive language?

A.—No, sir; I said to Mr. Barron—I said that if they had tried to get Mr. Escandon, that sacks full of gold could not have got him.

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Q.—If they had tried. What occasion had you to state that to Mr. Barron: "If they had tried?"

A.—Because we were talking about the result of the election. This was some time after the result of the election, I think.

Q.—Why did you state to Mr. Barron: "If they had tried?" Whom did you mean by that?

A.—What I meant was, if Mr. Escandon had been offered——

Q.—By whom?

A.—Well, parties—I don't know who.

Q.—Well, what brought that up?

A.—Well, perhaps we were talking about the result of the election.

Q.—Do you remember what you were talking about?

A.—I do not remember at all, sir.

Q.—Then why do you think that was what you did state to him?

A.—Because that is the only word I used after the election was over.

Q.—Did you not state to parties residing near where you reside, in San Buenaventura, that you tried to bribe him?

A.—That I had said in San Buenaventura?

Q.—Yes, sir?

A.—No, sir.

Q.—Reflect a moment, sir.

A.—I have got nothing to reflect. I made the same remark down in San Buenaventura—that no money could be offered to Mr. Escandon.

Q.—What caused you to make that remark?

A.—Because they asked me how he stood—some Spanish people, friends of his, there.

Q.—Did they have an idea that Mr. Escandon came up here to be bought?

A.—No, sir.

Q.—What occasioned the talk down there about it?

A.—I don't know what was the occasion. I think they take interest in everything, just as well as other people does.

Q.—It appears that you became satisfied that you could not buy him—didn't you?

A.—Of course not, sir.

Q.—You became satisfied of that?

A.—How could I buy him?

Q.—You say you became satisfied you could not. How did you satisfy yourself of that?

A.—How could I buy Mr. Escandon? I was penniless here; I didn't have a cent; and was living here on his kindness.

Q.—But here is the point; direct your attention to this: you became satisfied you could not purchase him, and you say you so told Mr. Barron. How did you become satisfied, unless you had tried to buy him, and failed?

A.—What more can a man say—when a man does say that if he was going to vote against his party he could not face his children or family? What more can a man say?

Q.—When you did approach him that night, in the room, it was for the purpose of getting his vote?

A.—No, sir; I was with him all the time.

Q.—This night the conversation was more spirited than before?

A.—Oh, yes.

Q.—That night the contest was quite exciting?

A.—Not in particular, sir; not in particular.

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Q.—Didn't you hold out any inducements to him to vote for Mr. Booth, and say that he could get five or ten thousand dollars if he would?

A.—I did not offer him any inducement.

Q.—Didn't you suggest that as a kind of inducement?

A.—No, sir; I think a man could pass a joke.

Q.—Oh, that is it? You say you were joking now, is that it? Do you mean the committee to understand that you were joking with Mr. Escandon?

A.—Well, certainly, I was joking with him most of the time.

Q.—Were you at that time?

A.—Yes, sir.

Q.—Then it was not intended to reach him? You didn't intend to reach him by this conversation?

A.—How intended to reach him? I have spoken to Mr. Escandon very often that I would like to see him vote for Mr. Booth.

Q.—You were working every way in the world to get him to vote for Mr. Booth?

A.—Not every way in the world, because I had no other way than working by words, as he was a friend of mine; that's all.

Q.—Do you know of any money, bank checks, or anything of value being offered to any person to vote for any Senator in the late Senatorial contest?

A.—I do not, sir.

Q.—Were you authorized by any person or persons, to offer money for a vote during the contest?

A.—Never, sir.

Q.—Were you authorized by any parties to offer inducements to Mr. Escandon to vote for Governor Booth?

A.—No, sir.

Q.—How many parties did you tell down in San Buenaventura, that you had tried to get Mr. Escandon to vote for Governor Booth, and had offered him five thousand dollars, and failed?

A.—I never did tell anybody so.

Q.—Now, was not this the fact, Mr. Jimenez; that that night when you were in the room there with him; the contest was narrowing to a close; votes were valuable. Did you not then and there tell him that you could take him to a man that would give him five or ten thousand dollars for his vote.

A.—No, sir; I have not.

Q.—And was not that the reason why Mr. Escandon got angry with you, and told you you must seek some other lodging?

A.—No, sir; he didn't get exactly angry with me; he only said that when I insisted upon talking about Governor Booth that I would have to go somewhere else to sleep—that he wanted to sleep. He was partially sick for want of sleep, as he had not slept well for several nights, and I left the room upon that account; but he was not sufficiently mad to say, "You must go out of here."

Q.—Did you come back then and stay the next night?

A.—Yes, sir.

Q.—How came you to come back the next night?

A.—I have said that the next morning, when he asked me to drink with him, I did so, and after that the conversation of the night before was not referred to, and we were as good friends as ever.

Q.—Did he ask you to go back and sleep with him?

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A.—I came up here with him and went down town with him. We went to dine together, and then went to bed together; that's all there was about it.

Q.—Who gave you money to go home on?

A.—I borrowed ten dollars from a gentleman from San Francisco.

Q.—What is the gentleman's name?

A.—He is the City and County Attorney of San Francisco—Mr. Burnett—W. C. Burnett. I was penniless here and didn't have a cent. Mr. Escandon and I had had a little falling out one night.

Q.—What was the cause of that—another matter?

A.—Another matter; yes, sir.

Q.—Not connected with the Senatorial struggle?

A.—Not in the least; and when we parted and he left me I hadn't a cent in my pocket, and no place to go sleep. At last I went round to the place of a countryman of mine and got a dollar and went to bed that night. The next night I got some money from a gentleman here—he was here awhile ago; I think he is an Irishman; I think he was running for Sergeant-at-Arms.

Q.—Mr. Murray—Dick Murray, of San Francisco?

A.—I think it is; yes, sir; I was telling him that it was late, and asked him for four bits to get a bed; he gave me four bits; the next night I was standing at the Union Hotel, when W. C. Burnett came up; I told him I was anxious to get away from here; and I begged and asked him to lend me ten dollars; he said he hadn't the money with him, but if I would come to the Golden Eagle Hotel at eight o'clock the next morning, that he would give it to me.

Q.—The money for the rest of your expenses here was furnished by Mr. Escandon?

A.—Yes, sir.

Q.—He furnished the money also to pay your passage up here?

A.—Yes, sir.

Q.—How long did you continue to sleep with him after this night when you had the quarrel, before you had the other quarrel?

A.—I left here Friday, I think it was the sixteenth day of January, and continued to sleep with him until the Tuesday before that.

Q.—Did Mr. Escandon ever after that allude to what had passed between you that night at the room—did he afterwards ever allude to it—about the five thousand or ten thousand-dollar matter?

A.—No, sir; he never did, sir.

Q.—Have you talked with him about it since you came up this time?

A.—No, sir; I have not seen him.

Mr. Amerman—You say you have not talked about this matter with anybody in San Buenaventura?

A.—No, sir. Oh, I made the same remarks as I have in Sacramento here sometimes.

Q.—The time you left here to go home, you say you were furnished with ten dollars?

A.—Yes, sir.

Q.—Was ten dollars sufficient to pay your expenses from here to San Buenaventura?

A.—If I had gone on the river steamer that morning, it would have been; I could have gone down to San Francisco for two dollars from here, and the next day could have got down on the steamer for five dollars.

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Q.—How did you return?

A.—I returned by the cars, sir. It was a very stormy day; the steamer got up here very late that day, and so I had to take the cars by the Livermore route. The information came that day, that the trestle-works of the bridge had been carried away by water, and then I was left here; and we heard that the snow sheds were on fire that day, and the train was behind time six hours, or something like that. I got into San Francisco at one o'clock in the morning, and stopped at the Russ House. The next morning I met Judge Lindley there. I had no money, and asked him to loan me five or six dollars, which he did, and I went right down to the steamer.

Q.—Did you receive your commission before you left Sacramento?

A.—No, sir.

Q.—Did you receive any promise of it before you left Sacramento?

A.—I did not. Mr. Escandon helped me to secure it.

Q.—Were you promised it before you left Sacramento?

A.—I say I applied for it, sir.

Q.—Were you promised the position?

A.—After I made application; yes, sir.

Q.—But you didn't receive your commission until after you got home?

A.—No, sir.

Q.—And you state distinctly to this committee that, after you returned home, you never mentioned to anybody at San Buenaventura that you had ever attempted to bribe Mr. Escandon, or offered him any sum of money whatever for his vote?

A.—No, sir; I have not. I have said, as I have said now—just boasting how staunch and how true Mr. Escandon had been to his party.

Mr. Coggins—Are you acquainted with Mr. (?), in San Buenaventura?

A.—Yes, sir.

Q.—Have you ever had any conversation with him?

A.—Yes, sir. I have said, as I have said here, that millions of dollars could not have got Escandon; that he was bound to go for his party; that if there was any money offered him for his vote, he would not have taken it.

Q.—Didn't you state to him that you had tried to induce Mr. Escandon, through means of money, to vote for Governor Booth?

A.—No, sir. I have praised his staunchness, and nothing else, sir.

Q.—You didn't say you would take him to a man who would give him five thousand dollars?

A.—No, sir, I did not.

Q.—Did you propose to take him to any man that night?

A.—No, sir.

Q.—Didn't you ask him to leave his room and go and be introduced to some friend of Booth's?

A.—No, sir.

Q.—Did you know, at that time, any one who was depending in any way upon the result of your interview with Mr. Escandon?

A.—No, sir.

Q.—You knew of no one—no one had spoken to you that day of inducing Mr. Escandon to vote for Governor Booth?

A.—I had not separated that day from Mr. Escandon at all.

Q.—What induced you to name that sum to him?

A.—As I said before, it was currently reported that there was a great

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deal of money in the fight. It was a public affair here in Sacramento. It is always the case in an occasion of this kind.

Q.—Did you know anybody who had control of any portion of that money?

A.—No, sir; I do not, sir.

Mr. Norton—Do you know W. W. Dodge, of San Francisco?

A.—I formed his acquaintance through Mr. Escandon, in Sacramento.

Q.—Then you know him?

A.—Yes, sir.

Q.—What time did you form his acquaintance?

A.—Oh, soon after we came up here.

Q.—Soon after the commencement of the session?

A.—Yes, sir.

Q.—Did you talk with him about the Senatorial fight?

A.—No, sir.

Q.—Did he talk with you?

A.—No, sir.

Q.—Not a word?

A.—No, sir; nothing. All the talk that we ever had Mr. Escandon was present.

Q.—You didn't talk with anybody, when Mr. Escandon was not present?

A.—I say I was with him all the time, sir. I was then looking for a situation, more than anything else. I was not talking about the Senatorial fight.

Q.—Did you talk with Dodge at all about this Senatorial struggle?

A.—I don't remember whether I did or not, sir.

Q.—You don't remember?

A.—No, sir.

Q.—Mr. Coggins asks you if you knew of any man or men that had means to use in the manner described. Did you know of anybody that had any money to use in the Senatorial fight?

A.—No, sir. I didn't know of anybody. I never had offered anything myself.

Q.—It was just idle rumor, was it?

A.—Yes, sir.

Q.—Jones was in town with a quarter of a million—is that it?

A.—Yes, sir; something to that effect.

Q.—How long after Jones' arrival was it that you told Mr. Escandon that you might get five or ten thousand dollars to pay off the incumbrance on his property?

A.—I never said that, sir.

Q.—What was it you told him?

A.—I told him that he might get five or ten thousand dollars, in a joking way; or, "if you could get five or ten thousand dollars, it would set you all right," or words to that effect.

Q.—How came you to say that he could get five or ten thousand dollars?

A.—I don't know; just according to the rumor that votes were in demand.

Q.—How did you know that they were in demand?

A.—Well, I heard the expression in Sacramento; that is about all.

Q.—Whom did you hear say that?

A.—I don't remember anybody, sir.

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Q.—Who told you that Jones was here with three fourths of a million?

A.—I heard it around the streets, sir.

Q.—What were votes worth before Jones came here?

A.—I don't know anything about it, sir. I don't know that anybody was for sale, or not.

Q.—Who told you that Jones was here?

A.—I never said that Jones was here; I heard that he was coming.

Q.—Oh! that was before he arrived?

A.—I don't know whether it was or not. I don't know Mr. Jones.

Q.—Did you try to find out whether Jones had arrived or not?

A.—No, sir.

Q.—Have you read the testimony given by Mr. Escandon, before this committee?

A.—Yes, sir.

Q.—You were aware, then, that he stated under oath, before the committee, that you told him, in substance, that night, that you could take him to a man that would give him five thousand dollars, or ten thousand dollars, for his vote?

A.—I have stated to him that the next morning after this trouble I came to him and said I would take him to the man.

Q.—That was the next morning, was it?

A.—I think that is what I read in the paper—the next morning.

Q.—Was that true?

A.—No, sir.

Q.—It was false, was it?

A.—Yes, sir.

Q.—You made no such statement to him?

A.—No, sir. As I have stated, I was going to get my bitters, at the Bank Exchange Saloon, and had ordered a drink, and he asked me to come in and take a drink with him; and from that time I never said a word to him about it.

Q.—You say, at no time did you make such a proposition to him?

A.—No, sir; except as I was joking in the room, as I have already said; that is all I have ever said.

Mr. Norton—I hold in my hand a letter, which seems to be written by a friend of Mr. Escandon, at San Buenaventura—Frank Peterson, who is Sheriff. It is a statement of another person to him of what this witness has stated to another party. It is hearsay; but if the committee deem it best to examine him in regard to it, I will do so.

Q.—Do you know a man in San Buenaventura by the name of Flavo del Campo?

A.—Yes, sir.

Q.—Is he a countryman of yours?

A.—No, sir; he is a countryman of Mr. Escandon's.

Q.—Have you ever had any conversation with him since you returned there about your offering to Mr. Escandon eight thousand dollars or ten thousand dollars if he would vote for Governor Booth?

A.—I don't believe I have done it, sir.

Q.—If you had, you would now remember it?

A.—I think so, sir.

Q.—This is a matter of decided importance. Have you so stated to Mr. del Campo, at any time since you returned there? This letter is from the Sneriff—from Mr. Peterson. He says: "I have just had a talk

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with Flavo del Campo. He says that Jimenez told him that he, Jimenez, told you that you could make eight or ten thousand dollars if you would vote for Booth, and that he urged you to do it; but that you told him that if he was a friend to you, never to mention it again. Flavo says that he has a great notion to go up anyway. Everybody is your friend. You must have Flavo subpœnaed." The Sheriff wants the committee and Mr. Escandon to move in the matter, and have Flavo brought here. Did you ever state anything of that kind to him?

A.—I have only stated, as I have stated here, that no regard for his friends, nor no money that could be offered to him, would make him vote against his party. If I have said anything, it has been more with the spirit of establishing the character of Escandon than anything else.

Q.—Then, when this man told the Sheriff that, he didn't tell the Sheriff the truth?

A.—Perhaps he may have misunderstood, sir.

Q.—You emphatically deny having stated to him that you told Escandon that he could make eight thousand dollars or ten thousand dollars if he would vote for Booth?

A.—Then I am increasing the price, now.

Q.—Do you deny having said anything of that kind?

A.—I will say just what I have said before: I deny that I said more than I have stated already.

Q.—Answer my question. Do you deny ever having stated anything of that kind to Flavo del Campo?

A.—Yes, sir.

Q.—Do you deny that you told him, in the same conversation, not to mention it again?

A.—Yes, sir.

Q.—You deny that, also?

A.—Yes, sir.

Q.—You have no other admission to make to the committee, except what you have already made to the committee?

A.—That is all, sir; that is all the admission.

Q.—Did the conversation you had with Flavo del Campo occur when you and he were alone?

A.—I know nothing of it; I do not remember, sir. I tell you that as soon as I left here——

Q.—I don't care to go over that ground again. Was that conversation had with him alone?

A.—I do not remember, sir, whether we were alone, or there was anybody else there.

Q.—Mr. Peterson, the Sheriff, says that del Campo tells him that seven others heard the same.

A.—Well, I don't know, sir; it might be twenty.

Q.—It might be twenty others that heard you?

A.—I don't know, sir.

Q.—They could not hear it if you hadn't stated it.

A.—Well, I don't know about that.

Q.—You don't deny now having stated it, do you?

A.—I don't mean anything of the kind, sir.

Q.—What do you mean?

A.—As I stated before, I was trying to make a good deal for Mr. Escandon, for his faith to his principle.

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Q.—That was all, then; all you said was to try and boost Mr. Escandon up?

A.—Yes, sir.

Q.—And that, too, after you had stated to him that if he could get five thousand dollars or ten thousand dollars for his vote, he could be relieved from his pecuniary embarrassment?

A.—No, sir.

Q.—You didn't state that?

A.—No, sir; I stated that if he could get five or ten thousand dollars it would be very good.

Q.—Why would it be very good? You say you stated it at that point of conversation where he was talking about being heavily involved.

A.—Well, I done it, sir, in a joke; that is what I state over again, sir.

Q.—It was all a joke?

A.—If I had been authorized by anybody to offer him money——

Q.—Were you joking with him when you were talking about his voting for Booth all the time?

A.—Well, no; sometimes I just passed some remark, just to fool him.

Q.—Who was back of you?

A.—Nobody; I done it of my own accord.

Q.—Didn't Tom Nosler say anything to you about it?

A.—He told me, as I stated before, that he would like for me to get him to vote for Booth.

Q.—How much did he tell you to suggest to Mr. Escandon that he could make?

A.—He never said any word of that kind, sir.

Q.—How did he propose to get him?

A.—I told you how that was, sir; I stated to Mr. Escandon several times: "Some persons think I must necessarily have a great deal of influence with you."

Q.—I don't understand your explanation, I confess. Tom Nosler wanted you to work with Escandon? How did he want you to work with him? By using your persuasive powers, simply?

A.—Yes, sir.

Q.—He told you to stick to him like a leech?

A.—No, sir; he never said anything of the kind.

Q.—What did he tell you to do?

A.—Well, to mention the Governor to him.

Q.—Didn't Tom Nosler know that Escandon knew that Mr. Booth was a candidate?

A.—Well, I suppose he did.

Q.—What did these other men—what did Mr. Higgins, of San Francisco, say to you?

A.—Only the same thing—if I could not get Mr. Escandon to vote for Mr. Booth; that's all.

Q.—Why did they come to you?

A.—Because they saw me with him all the time, sir.

Q.—Did Mr. Higgins approach you in the same way that Nosler did?

A.—Yes, sir; I said to Mr. Higgins that Escandon would die like a soldier on the ramparts—that he would be true to his party.

Q.—Did he tell you that before you proposed the five or ten thousand dollars to him?

A.—Yes, sir. I have often said that Escandon always said he would rather die there with his party, like a good man, and his friends who

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elected him would think better of him for that; and he was the only representative of the Spanish race in the Legislature.

Q.—Why should they think so?

A.—I don't know.

Q.—Was it the impression down there that he could be bought?

A.—No, sir.

Q.—Did you have that impression when you came up with him?

A.—No, sir; I never did have it.

Q.—He paid all your expenses, did he?

A.—Yes, sir; every cent; I eat through his kindness.

Q.—And then joked with him simply by saying you could make five or ten thousand dollars if he would vote for Mr. Booth?

A.—Well, that was a passing remark, sir; that's all.

Q.—It seemed to affect him in such a way that he ordered you out of the house?

A.—I think it was afterwards that I remarked this much, sir: "What made you be so glad when we got the news up here that Casserly had resigned?" He said: "Well, never mind. Did I ever tell you that I would vote for Mr. Booth?" "No, sir," I said, "you never did."

Q.—Did you talk with him, at the room, every night about Governor Booth?

A.—No, sir; we talked on different subjects.

Q.—You cannot remember what your conversation with Mr. Dodge was about?

A.—Well, sir, I don't think I ever had a conversation with him for more than three or four minutes. We were dodging all the time, because he didn't want to be where there was a crowd.

Q.—During your stay, were you introduced to Governor Booth?

A.—Yes, sir. One day we went to his house. The Governor was playing billiards, in his billiard room, there, and I saw him for a very short time.

Q.—How long was that after he was elected—was it long afterwards?

A —No, I don't know but it was before; no, it was after.

Q.—Had you been introduced to him before his election?

A.—No, sir.

Q.—Did you go with the parties who were working to get your appointment, as Notary Public, to the Governor's room?

A.—No, sir.

Q.—That was Mr. Escandon and Lieutenant Governor Pacheco who influenced Mr. Booth to give you your commission?

A.—Yes, sir.

Q.—That was promised you before he was elected?

A.—Yes, sir.

Q.—But you really received your commission afterwards?

A.—I received it, sir, about the fore part of this month, I think.

Q.—Did you have more than one interview, or see Governor Booth more than once, while you were here?

A.—We went to see him on the night of his reception. I and Escandon went there together.

Q.—Those two were the only times you did meet him?

A.—Yes, sir.

Q.—You didn't go into his room here, in the Capitol building?

A.—No, sir.

Q.—You didn't go with the Lieutenant Governor and Mr. Escandon, when they went there?

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A.—No, sir.
Q.—You intrusted that business to them alone?
A.—Yes, sir.

TESTIMONY OF RICHARD MURRAY.

RICHARD MURRAY, called, sworn, and examined:

The Chairman—Please state to the committee what you know in regard to these charges of bribery and corruption, and answer such questions as they may ask you in regard to the matter.
Mr. Norton—Where do you reside, Mr. Murray?
Answer—In San Francisco, sir.
Question—What is your name?
A.—Richard Murray.
Q.—How long have you resided in San Francisco?
A.—Since eighteen hundred and sixty-three.
Q.—You have resided there since eighteen hundred and sixty-three?
A.—Yes, sir.
Q.—What business have you been engaged in?
A.—I am a carpenter, sir.
Q.—Do you follow that business for a livelihood?
A.—Yes, sir.
Q.—And have followed it since eighteen hundred and sixty-three?
A.—I have followed it, since I came to the United States, all the time up to the present.
Q.—Were you here in Sacramento during the late Senatorial struggle?
A.—Yes, sir.
Q.—What brought you to the city?
A.—I came up here, on the twenty-eighth of November, as a candidate for Assistant Sergeant-at-Arms for the Assembly.
Q.—You first came here on the twenty-eighth of November?
A.—Yes, sir.
Q.—How long were you engaged in that struggle?
A.—Well, I was engaged—I was beaten; that was Wednesday.
Q.—The Wednesday following the commencement of the session?
A.—Yes, sir; on the third day of December.
Q.—Monday being the first day of December?
A.—Yes, sir.
Q.—What business did you then center upon, if any, in the city?
A.—After I was beaten for that position, sir?
Q.—Yes, sir.
A.—Well I was a kind of a sorehead for a few days.
Q.—You went into the business of being a sorehead? How long did that stick by you?
A.—Well, about two days, sir.
Q.—And after two days you righted up?
A.—After two days I righted up, and went to surveying the situation on the Senatorial fight.
Q.—How did it look to you?
A.—It was very gloomy.
Q.—Gloomy for whom?
A.—I didn't know exactly; it looked gloomy for all parties at the

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time. Mr. Casserly resigned, I didn't know whom I was for, and was like a ship without a captain.

Q.—How long did you remain in that condition?

A.—Well, till about Saturday, the sixth.

Q.—Saturday you determined?

A.—I determined; and I went down to see Mr. Casserly, at the Arcade.

Q.—The Arcade in this city?

A.—Yes, sir. After going in, I asked him who was the most available candidate. He said to me, "Richard, you are not in the habit of asking a great many questions." I said I might go for somebody whom my friends would not be for. He said that was very well, it was always my way to do, to go for my friends. I mentioned all the candidates that were in the field, and asked him which would be the best man for me to go for. He told me that I had better hold off for a few days, until things developed themselves.

Q.—Did you wait?

A.—I waited till the next day.

Q.—Had they developed?

A.—Well, parties tried to develop me, and I wanted to see what I would do with them.

Q.—Who were the parties that wanted to develop you?

A.—Well, the venerable Senator from San Francisco, Mr. Roach, came to me at the Golden Eagle Hotel, on the outside, and he says: "Let's take a walk up the street; I want to talk with you." We went up as far as I street and Seventh, and he told me that he was a candidate, and talked the matter over, and talked about his record when he was Mayor of Monterey, and his record when he was Senator, and his Chinese record, and said he thought he stood well with the people, which I freely coincided with him that he did. He said they would be satisfied with his election. I said I thought so, too. After we got back, Mr. Wand came for me, as angry as a wolvereen, and wanted to see what Mr. Roach wanted. He said: "Is he a candidate for the Senate?" I said, "Yes, he is a candidate." He said, "The idea of his being a candidate—a man without a dollar in his pocket." He said, "I must go to see him, and try to get him to withdraw from the fight;" and he said that Mr. Roach had already partly promised that he would not run. I said I would see what I would do, and he said, "Well, let's take a drink," and we did so. Then he said, "Well, I am going to San Francisco; my children are taken down with the scarlet fever, and I will be back in a day or two." He says: "Hager has always been a good friend of yours, and if you make up your mind to go for him, I will see that you are all right." Not knowing who would be the most available man, I then consented to go for Mr. Hager. Wand said, "I tell you if you go for Judge Hager, I will see that your expenses are paid, and that you will be paid for your time besides."

Q.—Was that before the election?

A.—Yes, sir; that was on Tuesday, the seventh day of December.

Q.—How long did he remain in San Francisco?

A.—From the seventh to the seventeenth of December.

Q.—On the seventeenth he returned here?

A.—Yes, sir; in the night.

Q.—Mr. Murray, who had rooms with him at the Golden Eagle Hotel?

A.—Well, it was a kind of privy council affair; there were a great

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many were in and out there; I was there but two or three times in my life.

Q.—Was L. L. Bullock with him?

A.—Yes, sir.

Q.—Had the rooms together?

A.—Yes, sir; they used the same room.

Q.—Who were they working for for Senator for the short term, Bullock and Wand?

A.—Mr. Wand said he was solicited to take the nomination himself.

Q.—Who were they working for?

A.—First off, he was working for Lewis; I said, "My God! the idea of running a mustang like him to take the place of Casserly, and without a dollar, too!"

Q.—Now, did Mr. Wand and Mr. Bullock eventually work for Hager?

A.—Yes, sir.

Q.—When did they first commence working for him?

A.—Wand was for him from the first day he came up on the first of December; he was for him and wanted me to go for him, and I wouldn't say yes or no until I got over my own fight.

Q.—And finally you got into the field for Mr. Hager?

A.—Oh, yes, sir; fully armed and equipped.

Q.—Were you working for Hager while Wand was in San Francisco?

A.—Yes, sir.

Q.—Was Mr. Bullock here?

A.—Mr. Bullock came here on the eleventh of December, and he stopped here all the time up to the eighteenth.

Q.—What time did the election occur for the Senator for the short term?

A.—Hager was elected on the twenty-third day of December.

Q.—Now did Bullock stay here all the time, up to the election?

A.—No, sir.

Q.—How long was he here?

A.—He went down on Thursday, the eighteenth day of December, and came up again on the nineteenth, which was Friday, the next day. He told me he was up at Judge Hager's all night the night before.

Q.—Who did you work with—what votes did you try to obtain, if any, for Senator Hager?

A.—I talked generally.

Q.—Did you talk to anybody in particular—did you single out any person to go for?

A.—No, sir; I did not.

Q.—You simply talked generally?

A.—Yes, sir.

Q.—Did neither Mr. Bullock nor Mr. Wand state to you, during the time they were here, and while the struggle was going on, that there was any money in the fight?

A.—Yes, sir; I have not got to that part, yet, sir.

Q.—I ask you?

A.—Yes, sir, they did. I will tell you how that came: On the twentieth day of December, when Governor Booth was elected, when the joint convention went in to vote on the short term, I was outside, and there was two gentlemen sitting near me, and when Mr. Murphy's name was called, he voted for Governor Downey. I knew one of these gentlemen, and he said to his friend that the reason Mr. Murphy voted for Downey was because he was an Irishman and a Catholic, the same

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as Mr. Murphy was. I spoke up, and said that I didn't believe that such was the case, and I instanced the fact that Colonel Roach, Mr. Dixon, and Mr. McBride, were also Irishmen, and, so far as I knew, they were Catholics, and I didn't think that was the reason why Mr. Murphy voted so. And then I expressed my surprise, that a gentleman of his judgment and experience should make such an assertion.

Q.—That is not coming to the point?

A.—Then I will come to the point. I met Mr. Murphy afterwards, and then told him of the conversation that took place up here. He said that it was not the case; that no such reasons had influenced his vote. He said that Judge Hager, at one time, when he saluted him, paid no attention to him, and he would not recognize him; and he had said that he would not vote for him, and he didn't think he would. I went down with the intention of sending a dispatch to Judge Hager and met a friend of mine, Henry Casey, who said he was going down to San Francisco that day, and I told him about this matter, and, because he was a friend of mine and of Judge Hager, I asked him to go and tell Judge Hager about this, and impressed upon him the necessity of seeing him that night. He said he would. Wand came up the next day and said he had seen Judge Hager and told him how nobly and honorably I had worked for him, and he said that the Judge was more a friend of mine than ever.

Q.—Judge Hager?

A.—Yes, sir.

Q.—What did he allude to?

A.—Well, being a ward politician—we can, sometimes, do a good deal of service or a great deal of harm. He said he was sorry that Farley got the nomination, and that Judge Hager would spend fifty thousand dollars, in a legitimate way, to get elected. The next day he gave Murphy a note, from Judge Hager, in the Assembly chamber, in his seat. The next day I met Wand in the Senate. He said, "It is mighty strange that Murphy didn't vote for Hager, since I gave him Mr. Hager's note;" so he impressed upon me, then, the necessity of seeing Mr. Murphy again. I think he said, that if his vote was necessary to change the result and elect Hager, he would not have given it. I came back and told Mr. Wand what Murphy told me. "Well," he said, "it was too bad that he would not vote," and said, "you had better go and see him again." He said, "There are five or six Republicans that will, if necessary, change and go for Hager."

Q.—Who were they?

A.—He said there is a Republican who has charge of the Republicans, and he will give his——

Q.—Who did he say that gentlemen was that had charge of the Republicans?

A.—He said Mr. Nat. Broughton. Wand said there is something that, if it has to be done, I could not do. I said, "What do you mean?" He said, "Any money that has to be dispensed must be given by some one besides me, because if I did it, it would kill me if it was known."

Q.—He said that any money that was to be dispensed must be paid by somebody else beside him?

A.—Yes, sir.

Q.—How came he to make that remark?

A.—I asked him to go and see Mr. Murphy himself.

Q.—There must have been something said about money?

A.—No, sir.

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Q.—What called for that remark from him, then, if no money was to be dispensed?

A.—The conversation was just what I have stated.

Q.—You simply spoke of going to see Mr. Murphy?

A.—Yes, sir.

Q.—Had he authorized you to use any money—to offer any to Mr. Murphy?

A.—No, sir; not at that time.

Q.—Did he at any time?

A.—No, sir.

Q.—What?

A.—No, sir.

Q.—Did he at any time?

A.—No, sir.

Q.—What do you mean by saying, "Not at that time?"

A.—Well, I have reference to something else.

Q.—Well, go right to that—Mr. Murphy. Did he not authorize you, or state to you—either Wand or Bullock—that it was getting near the holidays, and——?

A.—That is not to the point yet; this is another affair.

Q.—Come right to that, sir.

A.—Well, I went and told Mr. Murphy what Mr. Wand told me. He said, "I will have nothing to do with Nat. Broughton, and Nat. Brough- will have nothing to do with me." After leaving him, then I went to the Golden Eagle Hotel to see Mr. Wand, I met him there, and he said, "Take a drink." I said, "No." I didn't care to drink then. He said he would see me in a few seconds, and he went away and went up to his room, and I didn't see him again that night. When I met him the next day I was a good deal angry on account of his treatment the night before, because he did not come down and meet me again as he promised. He said he forgot all about it. I said, "I will go to-morrow and declare for somebody else." They begged of me to keep quiet; but I said, "It's all right, gentlemen," and I said good night; but Bullock followed me out and said, "Now, Dick, don't be in a hurry; you keep quiet about this matter." He said, "You go and see Mr. Murphy and see what he will take; and if Mr. Fahey goes to-morrow against Hager, we must go for him, because I would not lose this fight for ten thousand dollars." Said I, "Well, what shall I do then." He said, "Come back and let me know what he says." He said, "It is getting on to the Christmas holidays, and they cannot be very flush; and if they will vote for Hager, we will give them two hundred and fifty dollars apiece. If the son of a b——h takes it"—gentlemen, I am not in the habit of using such language, but this is just what he said—"if the son of a b——h takes it, and we nip them, you shall have plenty of money for chicken feed for the holidays."

Q.—Was anything said about where the money should be deposited?

A.—Oh, yes, sir; yes. He said then he would take this money and put it into D. O. Mills' Bank. I said, "Why, is it nine o'clock; how can you get into the bank at this time of night?" "Well," he said, "I will give it to you to keep, because I don't know of a more honest man in this State."

Q.—He was going to pay this money over to you, if you would get these men to vote for Hager?

A.—Yes, sir. I went down Second street, between ten and eleven o'clock that night, and met Mr. Murphy, Mr. O'Neill, Mr. Agnew, and

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several other gentlemen from San Francisco, standing on the sidewalk conversing together. I told them: "If you have come up here to elect Governor Downey, you have made a mistake." And then we had a few other words of conversation. Then I called Mr. Murphy to one side, and told him what Bullock had told me. Mr. Murphy said: "Both Bullock and Wand are two d—d scoundrels."

Q.—You didn't go through with the whole conversation that you had had with Bullock—you didn't recite all that to Mr. Murphy?

A.—Yes, sir, I did; and Mr. Murphy said: "Bullock and Wand are two d—d scoundrels."

Q.—How much money did they pay you while you were here—Wand and Bullock?

A.—Well, I will state to you the candid facts in regard to that matter. Mr. Wand, on the eighteenth day of December, he called me out of the Assembly chamber, outside, and he gave me ten dollars. That was the first money I ever received from him.

Q.—Was that before you had agreed to go for Hager?

A.—No, sir; this was on the eighteenth.

Q.—That was after you had your fight all arranged?

A.—Yes, sir. He was away in San Fran isco from the seventh to the eighteenth, and then on the eighteenth, in the morning, he gave me that ten dollars on the outside here. That afternoon, when the joint convention adjourned, I met Bullock at the corner of Tenth and K streets. He says: "Let's go in and take some oysters." He said he was going down to San Francisco on important business that night, to see Judge Hager. When we had the oysters, he took out his pocket-book and handed me a five-dollar piece. He said: "I'm sorry I can't give you more;" "but," he says, "when I come to see Judge Hager, I will tell him what you have done." That was the first time I knew that this gentleman was much interested in this matter. When he came up here first, he told me that him and some other parties wanted to get certain bills through the Legislature to aid him in some liquor arrangements—some liquor business that he was going into. Then on Sunday, the twenty-first——

Q.—Let me ask you, Mr. Murray; during the time that you were here in Sacramento, have you asked either of them for money?

A.—Yes, sir. On the seventh of December, when Mr. Wand told me to stop here and do what I could for Hager, I said: "Mr. Wand, I have been up here nine or ten days, and am not very flush, and pretty nearly broke." I said: "I'm going to work, and I want some tools." He said: "When I come back, all your bills will be paid." Then on Thursday, the eighteenth, he gave me ten dollars here, the same day I got five dollars from Mr. Bullock.

Q.—How much did you get in all from the two men?

A.—I got ten dollars from Bullock and twenty from Mr. Wand.

Q.—Making thirty dollars in all?

A.—Yes, sir.

Q.—That you received here in Sacramento?

A.—Yes, sir.

Q.—At the time that Bullock told you to go and see Murphy, and propose to him to give him two hundred and fifty dollars if he would vote for Hager, at that time was any money offered to them?

A.—No, sir.

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Q.—What kind of money did they represent that they would need? Gold notes, or gold coin?

A.—O! Sometimes there wasn't four bits to be spent, only in the legitimate way.

Q.—And other times?

A.—And other times, when they would be excited about the matter, and wanted to get this matter carried through, they said that Hager would not lose this fight for ten thousand dollars.

Q.—Who was going to pay this money to Murphy and Fahey? Who was to put up that money?

A.—Bullock told me he would put it up.

Q.—And told you to secure it, he would have it deposited in D. O. Mills' Bank that night, did he?

A.—Yes, sir.

Q.—And you called his attention to the fact that it was too late to deposit that money in the bank, and then he said you might take the money?

A.—He said I should come back that night, and he would give me the money, if they accepted it.

Q.—The money for both Murphy and Fahey?

A.—Yes, sir. They were to get five hundred dollars—two hundred and fifty dollars apiece. I have never spoken to Mr. Fahey about this matter, in any way, shape, or form.

Q.—Mr. Murphy treated the matter with perfect indignation?

A.—He did, sir.

Q.—Did you report to Wand or Bullock what Murphy had said about it?

A.—Yes, sir; I told them afterwards.

Q.—How many votes did they say, of the Republican party, that Mr. Broughton held—more than five?

A.—They said there were five or six.

Q.—Did you explain that matter to Mr. Murphy?

A.—I did, sir.

Q.—He treated that with contempt, also?

A.—Yes, sir.

Q.—These were the only two interviews that you had with Mr. Murphy about that?

A.—That is all, sir.

Q.—After that fight was over, you returned to San Francisco?

A.—I did, sir; on the twenty-third of December we all went down to San Francisco.

Q.—Mr. Wand says, in substance, that after you returned to San Francisco, you wanted money of him. State to the committee how much and for what purpose you wanted it?

A.—I was told when we would go to San Francisco, and when the bills were settled, that all amends would be made Judge Hager said he would pay everybody that was interested in his fight—that they would be paid. After the election they sent dispatches to Judge Hager. It is always the case that the General, after a battle, treats the men with a great deal of courtesy; but after Judge Hager won this fight, these men turned against the men who had helped them. I was afraid we might get into some trouble about the matter, and I went down to the cars. We went down on the cars, and I seen Mr. Bullock at the bar of the boat just before we reached San Francisco, as we were passing by Goat Island, and said: "Now this excitement is over, these things

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may as well be settled." "Well," he said, "I will see Judge Hager tomorrow, and in the course of a day or two everything will be all right." "Well," said I, "how about that chicken feed? I want to have that." He said, "all right, you shall have it." On the twenty-fourth I met Mr. Bullock; he said he would see Judge Hager, and see that the bills were paid, that he had not been able to see the Judge before. I then came to the conclusion that both Wand and him were untrue. I found out that this man was like the fifth wheel of an artillery wagon. I went after him several times, and he dodged me; I could have done almost anything then, I was so mad. Mr. Bullock told me to come down to his office on Christmas day and get the money. I went down there at ten o'clock on Christmas day, and stopped there till twelve, and then I saw him coming from Wells, Fargo & Co.'s office. I went after him, and he dodged me for a couple of hours, and finally I found him. I asked him if that was the way to treat me after what I had done in Sacramento. I told him there was holes in my boots, from running around here, and I wanted a new pair of boots. He told me it would be all right the next day. I went the next day—no money. He gave me five dollars on Saturday, and then he said he would give me some on Monday; but on Monday, the Judge's family had got sicker. I saw him again on Wednesday, the thirty-first of December, and he said: "Dick, I have no money, but I will go out and borrow twenty dollars for you;" and he did so. He said: "I have borrowed this for the present, and you shall have more as soon as I can get it." I looked at the money; there were three fives on D. O. Mills' bank at Sacramento, and one was on another bank. He said, "there was going to be a reception at the Cosmopolitan Hotel, and Judge Hager was going to show those gentlemen that he wasn't stingy." On the twenty-second day of January, I came down Montgomery street, and pretty near the corner of California and Montgomery, Mr. Wand hailed me. He said, "Dick, I want to see you." Said I, "I wanted to see you for the last ten days." He said, "I was sick." I said, "The old sickness. Kentucky wines made you sick." Well, he said, "Judge Hager is going to have a reception at the Cosmopolitan Hotel;" he said, "I have been down after the evening papers, which state that this is to be the case. You must come down." I said, "No; I don't care about going up there. Gentlemen will be there in good suits of clothes, and mine are not very good, and I don't believe I will come." Well, he insisted upon my coming up, and I went up, and went into the parlor. Judge Hager and this big gormandizer, Bullock, sat there. They both shook hands with me. Bullock said he had been seeking me. I took a cigar and was about to leave, when Bullock requested me to come back later, because the reception would last until three o'clock. Then we had another conversation about this chicken feed that I was promised, and about my expenses and about my pay. Well, he says, "We will settle this business tomorrow." I met Mr. Wand after that, and we talked this matter over; and he talked in that broken way, like a Liverpool coalheaver, and I never heard the like before. "Now, Dick," he says, "don't say anything about this; I have political aspirations, and if the *Chronicle* got hold of this, it would be very bad for me."

Q.—Mr. Wand states that he gave you fifty dollars for running with messages, and so forth?

A.—I was just going to state about that.

Q.—Was that so?

A.—Well, when he talked that way, that night, I picked up my hat.

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As I was going out, he said, "Will you do me a favor, Dick? You know most of the Senators and Assemblymen; if you see any of them, be so kind as to tell them to call upon Judge Hager," and he said, "most particularly Senator Roach, because he may feel a little riled about not getting the nomination." Then I went down the street and I met Mr. Roach, and asked him if he had been down to the reception. He said he had not; that an invitation had been left at his place, but that Johnson had failed to give it to him. He said, "Come with me." It was then half-past two o'clock. I saw Mr. Wand again, and he said, "Don't you go away. I want to see you, Dick." Then, when we were alone, he said, "Now, Dick, I will give you something. When the bill comes up for this reception, I will add fifty dollars to it for you." Said I, "Is that the way that I am going to be treated?" Said I, "I shall go to see Judge Hager myself. If Judge Hager tells me that I am not entitled to anything for my services, very well; but I will have you add fifty dollars to no man's lunch bill for me." Said he, "I will tell him that it is for you; and when he gives it to me I will give it to you."

Q.—Did he pay you the fifty dollars finally?

A.—Yes, sir. This was on a Saturday, and he told me that he would get the check on Monday. I had came back to the Cosmopolitan Hotel at his particular request; but when I came back, he said it was too late to see Judge Hager that day to get the check. I told him I had to go to Sacramento, and he gave me fifty dollars; and he said: "When I get this money, I will take the fifty dollars myself."

Q.—Did you go to see Judge Hager?

A.—I did, on the nineteenth of January.

Q.—Did you and Judge Hager talk the matter over?

A.—Yes, sir.

Q.—Was there any disagreement between you?

A.—No, sir.

Q.—What did he say about the matter?

A.—I told Judge Hager that I deemed it my duty to come and tell him what I had received for my services at Sacramento. Said I, "When these bills are made up, I may be put down for something I didn't receive." I said I had received thirty-five dollars from Bullock, and seventy from Wand; that is one hundred and five dollars.

Q.—That included the fifty dollars from Wand?

A.—Yes, sir. Now, Mr. Wand says—it is given in the *Union*, the most reliable report of his evidence—that he employed me for two days to go and deliver papers and invitations.

Q.—Is that so?

A.—I never delivered an invitation, sir, to any man; if there is one Senator or Assemblyman that can come forth and say that I delivered any to him, you can pronounce me the biggest perjured liar in the country; such was not the case, sir.

Q.—Did you have a conversation with Mr. Wand in front of his store, or in his store?

A.—I did, sir; on the nineteenth of January, as I said, I went up to see Judge Hager, and the Judge said, "You go and see Mr. Wand, and whatever he says, I am satisfied with;" said I, "he is a kind of a shrimp-skanker of the first water." "Well," he says, "you go and see him, and whatever he says will satisfy me."

Q.—Did you have any angry words with Judge Hager?

A.—No, sir; he asked me if I could inform him where Anthony's

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Hall was on Bush street, somewhere; he was going to speak before the mechanics there that night.

Q.—He was going down to address the mechanics?

A.—Yes, sir; on the nineteenth of January.

Q.—Did you walk down with him?

A.—No, sir; he said, "I am going to Anthony's Hall," and I said; "Well, Judge, you can go your way, and I'll go mine."

Q.—There was no ordering away about it?

A.—No. Judge Hager never said a word to me to "leave my house;" he was kind and gentlemanly towards me, and I pronounce this man that made that assertion a perjured liar.

Q.—Did you have a conversation with Mr. Wand after that time?

A.—Yes, sir; on the second of February.

Q.—Where was that?

A.—In front of his store, on Front street. I went to his store between twelve and one o'clock; I went into his store, and said, "Is Mr. Wand in?" They said, "No, sir."

Q.—Wand was not in?

A.—No, sir. I then went out, and went into the next store south, where I was acquainted, and after exchanging a few words with the foreman there, I left. He told me not to go. I said I must see Wand. Then I saw him coming up the street, and I went out and met him on the sidewalk, and we had a conversation.

Q.—Did you there tell him you would expose this matter?

A.—I told him, "I want to see what you are going to do in this matter." He said, "Let this matter go to hell, and I shall make you a present of a couple of hundred dollars." Said I, "I don't want no present; I want what is right, and if you don't fix this matter up"——. I told him before, here in Sacramento, that I calculated to expose this matter.

Q.—Did you know Wand and Bullock, well, before you came here?

A.—I had been connected with Mr. Wand in the Democratic County Committee, in eighteen hundred and sixty-six and eighteen hundred and sixty seven. We were both ward politicians, as he terms them.

Q.—What other conversation passed in front of his store? Did you go into his store at all?

A.—No, sir; I didn't go further than the sidewalk.

Q.—Did he order you away from the sidewalk?

A.—No, sir, he did not.

Q.—He could not order you out of the store if you didn't go in?

A.—No, sir. As I said before, he said, "Let this matter go to hell, and I will make you a present of a couple of hundred dollars." I told him, "I wanted no presents, but my due." He said, "Judge Hager has gone to Washington, and I shall write him that it is necessary to have some more money; that there are other expenses that have not been paid; and then he will send me a letter or dispatch, and I will pay them."

Q.—Was that your last conversation with Wand about that?

A.—That was the last conversation I had with Mr. Wand about it, and the last time I have seen him—the second day of February.

Q.—During the time that you were here in Sacramento with them—Wand and Bullock—you say you were running around a good deal, and wore out your boots?

A.—Yes, sir.

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Q.—You were running from one place to another, to shadow men, Mr. Wand states here?

A.—Oh, yes, Mr. Bullock made that assertion; I have been told he was the shadow himself; that Wand gave him money to pay his expenses.

Q.—You had money when you came up, didn't you?

A.—Yes, sir; I had a good deal of money at that time.

Q.—How much?

A.—It was, more or less, under a hundred dollars.

Q.—I asked you how much money you had.

A.—I had about forty dollars.

Q.—After that was expended in your contest for Assistant Sergeant-at-Arms for the Assembly, how did you get along?

A.—I borrowed money. I borrowed money from Mr. Conroy here.

Q.—The Sergeant at-Arms?

A.—Yes, sir.

Q.—Did you borrow from other parties?

A.—I did, sir. Well, Mr. Estee came to me here one day, and said, "You have been up here some time, and perhaps you are short of money; if you want any, let me know." Said I, "I have got some money for the present." Said he, "Well, don't run short; I wouldn't see you run short for anything." So I told him I had money at that time, and I didn't need any.

Q.—Do you know of any money being dispensed by Wand or Bullock, during this contest?

A.—Only what I was told.

Q.—Told by whom?

A.—What they intimated to me.

Q.—Did they state to you how much they had brought up to use in the contest?

A.—No, sir.

Q.—Did they state that they had money to use for Hager?

A.—No, sir; they did not.

Q.—Where were they going to get the money, if Murphy had accepted this proposition?

A.—I don't know.

Q.—Did they say anything to you about where the money was to come from?

A.—No, sir.

Q.—Did they say whether it was to be paid in gold notes or gold coin?

A.—No, sir.

Q.—Were you instructed by them, or either of them, to approach any one, except Fahey and Murphy?

A.—No, sir.

Q.—How had you been engaged all this time when this fight was being made. You had worked, you say, nobly; that they conceded, as well as Judge Hager did. What work had you done to merit that kind of praise?

A.—Well, sir, my work was simply this: I talked with several Dolly Vardens—Piebalds, as some calls them. I talked about Hager to the members, some of them; and done all I could for him.

Q.—What did you mean by saying to Mr. Wand what you did about an exposure—what was there to expose? You say that you had stated to parties here in the city, before you went to San Francisco, that you would expose this whole affair.

A.—I told parties that there was bribery in the matter, and that I was opposed to bribery and corruption.

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Q.—What made you think that?

A.—By what he told me.

Q.—Was that the basis of your belief that bribery and corruption were being practiced?

A.—Yes, sir.

Q.—Then they didn't send you to any other party, to try to induce him to vote for Judge Hager?

A.—No, sir. No doubt they would not have sent me at all to Mr. Murphy but for this Mr. Casey going to Judge Hager. Then some one brought a letter to Mr. Murphy the next day after Casey went down. I have not read the letter, and don't know what is in it; but when that was received, I was sent after Mr. Murphy.

Q.—Were you sent after anybody else?

A —No, sir; only to talk to somebody else.

Q.—Was anybody else singled out, either in the Assembly or Senate, to be approached by you?

A.—No, sir; not that I know of.

Q.—Where did you stop during all this time—where did you have your room?

A.—I roomed on Fifth street part of the time, and then I roomed on J street. I roomed in these two places all the time.

Mr. Curtis—How much money did you receive in all?

A.—One hundred and five dollars.

Q.—How much do you claim of them now?

A.—I don't claim anything.

Q.—Why is it that you state you wanted what was right, and would not take a present?

A.—I was here so long that I thought I was entitled to all I should claim.

Q.—How much do you claim?

A.—Nothing.

Q.—Did you tell them that you claimed anything?

A.—No, sir.

Q.—Then why did you go after them, at all?

A.—Well, I will tell you, if you will give me a chance. I first told Judge Hager——

Q.—How much did you state to them that you wanted?

A.—I didn't say so.

Q.—You would not accept a present—you told them you would not accept a present. Now, what did you mean?

A.—This was a little technicality.

Q.—How much did you want—how much did you demand of them?

A.—I didn't demand any amount at all.

Q.—Then why did you go to them. Why didn't you go to Judge Hager?

A.—How could I, when Judge Hager was away?

Q.—Mr. Wand said he would make you a present of one or two hundred dollars?

A.—He said he would, or send to Judge Hager, and ask him to send him a letter or dispatch for the money.

Q.—Didn't you state just now that you would not accept a present?

A.—Yes, sir, I did.

Q.—How much did you demand of him?

A.—I said I wanted no presents, but what was just that I should

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have, for my services in Sacramento. I didn't state any amount of money.

Q.—Did you ever tell them how much your claim was?

A.—No, sir, I did not.

Q.—Did not Mr. Wand or Mr. Bullock give you any money, except to pay your legitimate expenses?

A.—No, sir.

Q.—Now, who first mentioned the name of Mr. Fahey?

A.—Both of them did.

Q.—Which one mentioned it first?

A.—Both of them mentioned him.

Q.—Which one mentioned him first?

A.—Mr. Bullock and Mr. Wand both mentioned him. It was simply this—I cannot answer, if you don't give me a chance. I suppose——

Q.—I want no supposition; answer the question: Who first mentioned the name of Mr. Fahey? Just answer the question?

A.—Both of them did.

Q.—Both at once?

A.—Both at the same time.

Q.—Now, what did they say about it? Now, I want you to answer a few questions, and say nothing but in answer to the questions. They didn't say you were to approach him?

A.—No, sir, they did not.

Q.—Now, did Mr. Wand or Mr. Bullock authorize you to offer money to Mr. Murphy?

A.—Yes, sir.

Q.—How much?

A.—Two hundred and fifty dollars.

Q.—Where was the money to come from?

A.—I didn't see the money, but he told me I would get the money. Mr. Bullock stated to me that if he would accept that, he would put the money into my hands.

Q.—Did you ever speak with Estee in the Democratic Convention?

A.—No, sir.

Q.—How is it that he ever came to say that he would not see you get short?

A.—Well, he came up to me——

Q.—You were not a particular friend, were you?

A.—Yes, sir.

Q.—Were you a particular friend of Mr. Estee's?

A.—Yes, sir. He was, in eighteen hundred and seventy-one, a Greeley man——

Q.—That is the time you made his acquaintance?

A.—Yes, sir.

Q.—Now he is a Dolly Varden. He didn't ask you anything about the Senatorial election, did he?

A.—No, sir.

Q.—How came he to make that statement to you that he would not see you short?

A.—I don't know, sir.

Q.—Why did he say that to you?

A.—Because he knew me in San Francisco. He knew me in eighteen hundred and seventy-one, at the State election. I was then for Governor Haight. He knew me, then, in the Presidential campaign; he was for Greeley.

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Q.—Can you state how it is, or why it was, that Mr. Estee should approach you in that way?

A.—No; I think it was just his kindly feeling.

Q.—Did he have any reason to suppose you were short of money?

A.—I guess he didn't know I was overflowed.

Q.—Did either Mr. Bullock or Mr. Wand state to you who these Republicans were that Nat. Broughton had control of?

A.—No, sir.

Q.—They didn't give you any names, but just made the general statement?

A.—Yes, sir.

Q.—Did they state to you how he had control of them?

A.—They didn't tell me that he had rope around them, or anything of that sort; they simply said he had control of them; that's all.

Mr. Amerman—Did you ever hear who those Republicans were that Mr. Broughton had control of?

A.—No, sir, I did not.

Q.—Never heard their names mentioned at all?

A.—No, sir.

Mr. Coggins—Did either of them say that they were to receive any money from any source?

A.—No, sir.

Q.—Do you remember at what stage of the affairs it was that Mr. Estee stated to you that he wouldn't see you get short?

A.—I think it was about Tuesday, the ninth of January.

Q.—Did he make any reference to the Senatorial contest?

A.—No, sir, he did not; not a single sentence. I am sure if I wanted money I would only have to ask him for it. I wish to say one thing more. Mr. Wand says that this was not a Casserly fight. I want to say this, sir, that I never, sir, mentioned a word about Mr. Casserly in my conversation with them; and furthermore, I was here in eighteen hundred and sixty-seven, when Mr. Casserly was elected, and not one dollar or one dime did I receive from Mr. Casserly in that fight.

Mr. Norton—Did you state to them, or either of them, that if there was no money in the fight for Senator Hager—or Judge Hager then—that they had better go home?

A.—Never, sir.

Q.—Or anything to that effect?

A.—No, sir. Now about this thing here in Wand's testimony about being a servant or a messenger for him, I candidly assure you that if he or any man that makes such a proposition to me to be his servant, he would have measured his length on the floor immediately. Such a position, sir, I would scorn to hold.

Mr. Amerman—Did I understand you to say Mr. Boruck, or Mr. Bullock?

A.—Mr. Bullock, sir.

Mr. Norton—I want to call your attention to one fact: Did you approach Mr. Estee and ask him for money, or did he come to you and offer you money?

A.—He came to me voluntarily.

Q.—And offered you money?

A.—Yes, sir, and told me not to get short as long as I was here.

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TESTIMONY OF M. M. ESTEE.

M. M. ESTEE, called, sworn, and examined:

The Chairman—Please state to the committee a conversation you had with Mr. Murray upon the occasion to which he has alluded in his testimony.

Mr. Norton—Are you acquainted with Richard Murray, of San Francisco?

Answer—Yes, sir.

Question—He states that some time during the late Senatorial contest he met you here in the City of Sacramento, and, I think, in this building, and that you approached him and asked him how he was off for money, etc. Is that true?

A.—I will tell the committee exactly what occurred, according to my recollection; in fact, what did occurr, for I recollect the circumstances. I was coming down J or K street one evening, and I met him; and he walked with me down to Second street; and he told me that he was very short, and would like to get a little money. We talked about it for some time; and he told me he wanted to go down to San Francisco the next day and hadn't the means, and asked me for—I don't recollect the amount he wanted; it was three dollars or five dollars; something like that; I had ten dollars in my pocket—which was all I had with me—and I took it out and lent him the money. There never was a word said between him and me about politics. I will state, however, that I have always looked upon him as a very clever fellow, and that I undertook, some time ago, with two or three others, to get him into the employ of the Harbor Commissioners, in San Francisco, because I looked upon him as a good man. I just lent him the money—just as I would have done to any person from San Francisco; he asked me for the money, and I let him have the ten dollars. That is all I know about any such matter.

Q.—How long have you known him?

A.—I have known him four or five years, in San Francisco.

Q.—What reputation does he bear there for truth and veracity, honesty and integrity, so far as you know?

A.—I say I have known him by sight a number of years; and two years ago, in the Greeley fight, he was quite an active man. I always thought he was a very good kind of a man. He was then engaged in working on the wharf as a carpenter. But I have related what occurred at that interview, when I loaned him the money; I gave him the ten dollars, and it was every cent that I had in my pocket. I remember that, because soon after I met some friends, and had occasion to use some money, and I had to borrow five dollars—or a twenty-dollar piece, I don't remember now—from some friend, because I didn't have any money in my pocket; I recollect it distinctly.

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TESTIMONY OF JAMES E. MURPHY.

JAMES E. MURPHY, called, sworn, and examined:

The Chairman—Please state to the committee the truth in regard to the statements made by Murray, and answer such questions as may be put to you by the committee.

Mr. Norton—You are a member of the Assembly?

Answer—Yes, sir, I am.

Question—You were here during the late Senatorial contest?

A.—Yes, sir.

Q.—Do you know Richard Murray, the witness who was upon the stand here?

A.—Yes, sir; I was acquainted with him slightly four years ago, while I was a member of the Legislature.

Q.—Did you see him here during the late Senatorial contest?

A.—Yes, sir, I did.

Q.—Did you have any conversation with him about voting for Judge Hager? Did he approach you upon that subject?

A.—Yes, sir.

Q.—How many times?

A.—Well, he spoke to me first at the first balloting. I was not a member of the caucus at the time Judge Hager was nominated, and did not vote for him, having private and personal grounds for not doing so.

Q.—Are the private and personal grounds alluded to in a letter that you received from Judge Hager, some time since?

A.—Yes, sir.

Q.—Have you any objection to spreading that before the committee?

A.—Certainly not. I will read it to the committee; it is in my pocket, here.

Q.—You have no objection to reading it?

A.—No, sir. It is dated December twenty-first, eighteen hundred and seventy-three.

Q.—That is the letter you received during that contest from Judge Hager?

A.—Yes, sir; I received that letter from Mr. Wand; I don't recollect the time, but I think it was the morning of the election of Judge Hager. I would state in this connection (if you will allow me), that I had said, that if a man was too proud to speak to me on the street I was too proud to vote for him.

Q.—You had been to the Legislature before?

A.—Yes, sir; I was a member of the Assembly while Judge Hager was a member of the Senate. I thought that he had slighted me. Besides that, I didn't in fact consider him a representative man of the Democratic party; he was not my choice, and if I could have had the opportunity of voting for another member of the party I should have done so; but I promised certain friends of mine that in case my vote was required for the party I would throw all personal considerations aside and vote for him.

Q.—Did you vote for Judge Hager more than once?

A.—No, sir; I voted for him on the last ballot only.

Q.—That was the ballot that elected him?

A.—Yes, sir.

Q.—Had you seen Mr. Murray that morning?

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A.—No, sir, I had not.

Q.—Did you the day before?

A.—I don't think I did.

Q.—Did he come to you at any time and state to you that Mat. Broughton had the control of five or six Republicans?

A.—He came to me—I think it was three or four days before the election; I met him early in the evening at the Golden Eagle Hotel; I was in the barroom there, and Mr. Murray spoke to me, and wanted to know my reason for not voting for Judge Hager; I told him that was my business—something of that kind. Afterwards I met him, between ten and eleven o'clock, I think, that night, in front of the Orleans Hotel; he told me that—I don't recollect whether it was Wand or Bullock, or both—had authorized him to make a proposition—a money proposition to me to vote for Hager; I told him that any man that would make a proposition of that kind I considered a scoundrel, and I walked away from him.

Q.—You treated it with indignation?

A.—Yes, sir; I believe Mr. Fahey's name was mentioned; I told him I believed Mr. Fahey was too honorable a man to be influenced in any such way.

Q.—That was two or three days before the election?

A.—That was two or three days before the election; yes, sir; I never thought of the matter again until his testimony was given here to-night.

Q.—Did he, in any conversation he had with you, state that Mr. Broughton had control of five or six Republicans?

A.—Well, he stated that Wand and Bullock had told him that.

Q.—The same in substance that he has stated here?

A.—Well, I don't know that he mentioned Broughton's name; he said that the Republicans were controlled by some one.

Q.—And would go for Hager whenever they got within reach?

A.—I don't recollect if he used that language; he said they would go for Hager.

Q.—Did he state what amount of money?

A.—I think he said three hundred dollars, or five hundred dollars, or two hundred and fifty dollars—somewhere along there; I paid no particular attention to the amount.

Q.—Was anybody with you during this conversation?

A.—No, sir; I was talking to some parties whom I supposed to be in the interest of Governor Downey; and he called me a oneside; he engaged in the discussion that was going on among those gentlemen, and after they got through, I was going into the Orleans or the Union and he spoke to me.

Q.—What time of night was that?

A.—Probably about ten o'clock.

Here the committee adjourned.

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TUESDAY, March 3d, 1874.

Committee met at half-past seven o'clock, P. M. Present—a quorum.

TESTIMONY OF JAMES T. BARRON.

JAMES T. BARRON, called, sworn, and examined:

The Chairman—I would state that the object of this investigation is to ascertain the truth in regard to the alleged fraud and corruption charged against certain members of the Assembly in regard to the late Senatorial contest. You will please state to the committee what you know about the matter, and answer such questions as may be asked you by the committee.

Mr. Norton—Where do you reside and what's your name?

A.—I reside at forty-six L street, between Second and Third, in this city. My name is James T. Barron.

Q.—How long have you resided there, Mr. Barron?

A.—Over nine years, sir.

Q.—What business are you in—the saloon business?

A.—No, sir; my occupation up to the first of August, for three years previous, has been Assistant Engineer of the volunteer and paid fire department; also, my occupation here in town has been interpreter for the Police, County, and District Courts. I fill the position of interpreter at the present time.

Q.—Are you acquainted with Mr. Escandon, the member of the Assembly?

A.—I have been acquainted with him since four years ago, at the session of the Legislature, when he was here, I believe, a representative; I think that was the time.

Q.—Do you know a man by the name of Jimenez, that was with Mr. Escandon?

A.—Yes, sir; I know him about the same length of time.

Q.—Were they at your place together during the Senatorial contest, or soon after the Senator was elected—here in Sacramento?

A.—Yes, sir, they have been there several times; they have been there previous to the election of the Senator, together; after, they have not.

Q.—Did you have a conversation with Jimenez about the Senatorial contest—about what he had said to Mr. Escandon about voting for Governor Booth?

A —I did have some conversation with him.

Q.—State to the committee what Jimenez said to you?

A.—Mr. Jimenez came to my house, I should judge, about ten o'clock one morning—I am not positive whether it was one day or two days previous to the election. We had talked several times before on the election of Senator, and I asked Mr. Jimenez if he thought that Mr. Escandon would vote for Governor Booth for Senator. I had seen in the papers that Senator Graves was going to vote for him, and thought that as Senator Graves, who was from the same county that Mr. Escandon was from, was going to vote for Governor Booth, that Mr. Escandon also would. Jimenez said, "I tell you, here, confidentially"—my brother-in-law was with me (there was only the three of us together)—"I tell you, here, confidentially, that Escandon is a fool. I know that he could have made ten or fifteen thousand dollars by having

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given his vote for Governor Booth." I laughed at him. I laughed at the remark that he made—these remarks; and then he said, "Escandon, he is like a rock; it would take a twenty-four-pounder for to remove his opinion; he is bound to die with his party"—that is, referring to Mr. Escandon's politics. That was about the sum and substance of the conversation that took place between us.

Q.—Did you inquire of him who it was that would give Mr. Escandon ten or fifteeen thousand dollars if he would vote for Governor Booth?

A.—I didn't, sir; I did not.

Q.—Did he allude to any person who would do that thing—did Jimenez?

A.—Jimenez's language was as I stated—that he knew that Mr. Escandon could have made ten or fifteen thousand dollars.

Q.—That was all he said about it?

A.—That was the sum and substance of the conversation, at that time.

Q.—You didn't ask him how he knew?

A.—No, I didn't ask him how he knew. That is the language that he used.

Q.—That was three or four days before Governor Booth was elected?

A.—I won't be positive about it; it was two days or a day previous to the election.

Q.—That was the only conversation you had with him?

A.—There was other conversation, but nothing in regard to money.

Q.—Nothing in regard to bribery?

A.—Nothing in regard to money.

Q.—Did you, yourself, take any part in the struggle?

A.—No, sir, I did not. My sympathies were for Governor Booth, and, knowing Mr. Escandon—I am very intimate with him since I have known him; he has made my house, you might say, his house since he has been here; he is, off and on, there every day; passes the evening there when not otherwise occupied—and knowing his politics, and having talked with him—we have talked over the matter quite frequently—I asked him if he would vote for Governor Booth. He said no; that how could he go back to the county that he represented, and present himself to his wife, and she to say to him, "You have betrayed those that have elected you, and not voted for the party that has elected you."

Q.—He said he could not do it?

A.—Yes, sir.

Q.—Do you know of any money being used in the Senatorial contest?

A.—No, sir.

Q.—For Governor Booth, or any other person?

A.—I do not, sir. I have given Jimenez money myself, to defray his expenses. He came to me to borrow money.

Q.—He came to you to borrow money?

A.—Yes, sir. That was about the same time, I believe, that him and Escandon had some difficulty.

Q.—Did he allude to that difficulty?

A.—He did not, sir. Mr. Escandon spoke to me about it, and when Mr. Escandon spoke to me about it, I told him——

Q.—What did Mr. Escandon say was the cause of the difficulty?

A.—He said that Jimenez had approached and made an offer to him—told him that if he would consent to give his vote for Governor Booth that he would introduce him to a man who would give him ten or fifteen thousand dollars. When Mr. Escandon mentioned the matter to me, I told him that Jimenez had used the language that I have given here.

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Q.—Did you commence the conversation with Jimenez, or did he, when he said Mr. Escandon was a fool?

A.—Well, I could not say exactly; it was a general conversation; I could not say exactly. I think I asked him the question—I am pretty positive, having seen in the papers that Senator Graves was going to vote for Governor Booth—I asked him if Mr. Escandon would also vote for him.

Q.—Had Mr. Escandon told you before that time of the difficulty between him and Jimenez, or was it afterwards that he told you?

A.—Escandon, I believe, told me of the difficulty with Jimenez after that.

Q.—You say he stated to you the difficulty that occurred between them?

A.—Yes, sir. I am trying to recollect whether it was after he went to San Francisco or before.

Q.—Can you remember whether it was before the time that Jimenez told you that Escandon was a fool, or not?

A.—No, sir; it was after. Mr. Escandon told me that Jimenez had made those propositions to him after Jimenez had had the conversation with me; and it was after Mr. Jimenez and Mr. Escandon had this difficulty.

Q.—You asked Jimenez about it because you had seen in the papers that Senator Graves was likely to change and go for Governor Booth?

A.—And also the paper stated that Mr. Escandon would.

Q.—What paper did you see that in?

A.—I think it was in the Sacramento *Union;* I could not say exactly. It was the paper of that date—the *Union* or *Record.*

Q.—Did you see Jimenez when he was up here to testify before the committee?

A.—I did, sir; I saw him on the Sunday.

Q.—Did you then talk with him what he said to you about this matter?

A.—General conversation, not the particulars. He started off to tell me what he had said to Mr. Escandon, the conversation that had passed between them, and also that he didn't remember of having said anything to my brother-in-law or me, or any person about what passed here. I laughed at him and called it to his memory.

Q.—Did you call this to his memory?

A.—Which I have stated to you.

Q.—Did he deny it?

A.—He told me that he must have been, probably, drunk.

Q.—He didn't deny it, then?

A.—No, sir; he said he could not remember anything of it. He said, "You know that Escandon and I have been together——"

Q.—Was that conversation before he testified, or afterwards?

A.—Before. It was Tuesday, and we probably had five minutes conversation in front of the Union. I met him there, and spoke to him about that conversation, and one thing and another.

Mr. Coggins—Were they in the habit of drinking, either of them, so much as to interfere with their memory?

A.—Well, no, sir. Escandon, I have never seen him any worse for liquor; I have seen Jimenez. On this occasion it was in the morning, and he was as sober as I am, and I don't drink any whisky, or any kind of liquor.

Mr. Norton—Was Jimenez drunk at the time he told you this?

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A.—No more than I am, and I don't drink any liquor at all.

Q.—I mean at the time he said that Escandon was a fool?

A.—No, sir; he had probably taken his glass of liquor——

Q.—He was sober, then?

A.—Yes, sir. He picked up the guitar, and played the guitar for awhile there, and one conversation brought on another, and he made this statement.

Q.—Your brother-in-law was there?

A.—Yes, sir. Mr. Jimenez was probably four feet from me and four feet from my brother in-law. The conversation took place in Spanish.

Q.—Does your brother-in-law talk Spanish?

A.—He is a Mexican, sir; he can't speak English.

Q.—Can't he speak so as to be understood, or must he testify through an interpreter?

A.—He will have to do it through an interpreter; he speaks no English at all.

TESTIMONY OF JUAN CIENFUEGOS.

JUAN CIENFUEGOS, called, sworn, and examined:

JAMES T. BARRON sworn as interpreter.

Mr. Norton—Ask him if he knows Jimenez.

A.—Yes, sir.

Q.—Ask him if he remembers the time when Jimenez, at your place, was talking about Mr. Escandon not voting for Booth?

A.—He does remember.

Q.—Tell him to state what Jimenez said?

A.—What Jimenez said was in response to a question asked him.

Q.—Tell him to state what he did say?

A.—He said the question was, whether Mr. Escandon was going to give his vote for Governor Booth. The answer then given was: "Oh, no! Escandon will not give his vote for Booth; he is too strong; he is a man that is opposed;" and it was impossible for him to give his vote, and that he was a fool; that now was a chance for him to make ten or fifteen thousand dollars.

Q.—Ask him if Jimenez told him who he could get ten or fifteen thousand dollars from?

A.—No, sir. He says Jimenez said he could have had ten or fifteen thousand dollars.

Q.—If he would vote for Booth?

A.—Yes, sir; if he would give his vote for Governor Booth.

Q.—Ask him if he has talked with Jimenez about it since he came up here?

A.—No, sir.

Q.—Has not seen him?

A.—Has not seen him.

Q.—Ask him if he knows of any money being used to gain votes for anybody for Senator?

A.—No, sir; he does not; all he knows in regard to it is what conversation took place there; that is all he knows about it.

Q.—Ask him what Jimenez's condition was, as to being drunk or sober, at the time he made that statement?

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A.—No, sir; he did not see him drunk; he says he was in his senses.
Q.—Was he drunk, or sober?
A.—No, sir; he was sober.
Q.—Sober?
A.—Yes, sir.
Q.—When he was speaking, at that time?
A.—Yes, sir; he was sober.
Q.—Ask him if he stated that to you and him in confidence—confidentially, there?
A.—Yes, sir; in confidence.
Q.—Ask him if that's all he knows about it?
A.—That is all; nothing else.
Mr. Coggins—Does he reside in this city, or in San Buenaventura?
Mr. Barron—He resides with me; he is my brother-in-law.
Q.—He resides here?
A.—Yes, sir; he resides here with me.

TESTIMONY OF JESUS SAINZES.

JESUS SAINZES, called, sworn, and examined:

Mr. Norton—Do you know a man by the name of Jimenez?
A.—Jimenez? Yes, sir.
Q.—Did you hear a conversation that he had with this gentleman (Mr. Barron) two or three days before, or a day or two before Governor Booth was elected Senator?
A.—The day before?
Q.—Was it the day before?
A.—I believe it was after—two or three days after the election took place.
Q.—You think it was two or three days after the election?
A.—Yes, sir.
Q.—What did this gentleman, Jimenez, say to you about Mr. Escandon?
A.—Well, he told me (I understand this) that Mr. Escandon had a chance to make a very good thing—a good business.
Q.—Did he state how much?
A.—Well, I understand him to say from five to ten thousand dollars.
Q.—You understood him to say from five to ten thousand dollars?
A.—Yes, sir. He made the remark: "I wish I had been in his boots."
Q.—He said he wished he had been in his boots?
A.—In Mr. Escandon's boots—yes, sir.
Q.—For the reason that he could have made five or ten thousand dollars?
A.—Yes, sir.
Q.—How could he make it?
A.—He didn't exactly say, but he made me understand— at least, I understood it in that way—that Mr. Escandon had heard—if he could induce Mr. Escandon to do what he wanted, that he could make that much.

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Q.—What did he want Escandon to do?

A.—To vote for the other party against this——

Q.—Did he want him to vote for Governor Booth?

A.—Yes, sir; for Governor Booth.

Q.—Did he say that he had tried to convince Mr. Escandon that it was best for him to do it?

A.—Yes, sir. He told me that he went to Mr. Escandon two or three days before the election, and tried to convince him to vote for Governor Booth.

Q.—How did he say he tried to convince him?

A.—He was trying to tell Mr. Escandon, and Escandon would not hear him.

Q.—What did he tell Mr. Escandon; that he could get five or ten thousand dollars for——

A.—He told him that there was a man that had told him to try and get Escandon to vote for Booth, and that if he would do it——

Q.—Did he tell you who that man was?

A.—No, sir; he didn't say. Escandon was there at the same time, and told me at that time Jimenez was after him to convince him to do it; that he stated this to Jimenez: "You are my friend, but I want you to let me alone until you give up that idea; whenever you give up that idea you come back to me."

Q.—You understood from Jimenez that he tried to buy Escandon in this way?

A.—Yes, sir.

Q.—That's what he said to you?

A.—Yes, sir; that is what he stated. Of course he said——

Q.—The inducement was five or ten thousand dollars?

A.—Yes, sir.

Q.—And if he would agree to vote for Governor Booth, he would take him to a man who would give him that amount?

A.—Yes, sir.

Q.—There seemed to have been an arrangement between this man and Jimenez?

A.—Yes, sir.

Q.—That was the sum and substance of his statement?

A.—Yes, sir.

Q.—Who else was by when he talked with you about it? At what place was this conversation held?

A.—On second street, at a house of Mr. Barron's.

Q.—Was it the same conversation alluded to by Mr. Barron.

A.—No, sir.

Mr. Barron—It is a house I own, but not the house where I live.

Q.—(To Mr. Barron)—Was this the same conversation that you spoke of?

A.—No, sir.

The Witness—When Mr. Escandon stated to me that what he told Jimenez—to let him alone, that he must not speak to him about that again, but let him be, and go about his business—Jimenez proved to me that it was so. He told me that it was so, what Escandon had stated to me. He said that Mr. Escandon had told him not to talk to him any more about it, but when Governor Booth was elected, to come talk to him again.

Q.—Is that all you know about it?

A.—Yes, sir.

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Q.—You don't know of any money, or anything of value, being used in the Senatorial contest?

A.—No, sir.

Mr. Coggins—Did you ask him who the man was who would give him the money?

A.—No, I did not, sir.

Upon motion of Mr. Norton, the committee went into executive session.

Mr. Norton—I move, Mr. Chairman, that the testimony in this investigation be now declared closed.

The motion was seconded and carried.

It was resolved to submit a preliminary report to the Assembly, tomorrow morning, stating that the testimony was closed, and recommending that it be ordered printed, the committee requiring time to examine the testimony, before submitting their final report.

The meeting was then adjourned, subject to the call of the Chairman.

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